The Reform Treatises and Discourse of Early Tudor Ireland, *c*. 1515-1541

by

Chad T. Marshall

BA (Hons., Archaeology, Toronto), MA (History and Classics, Tasmania)

School of Humanities

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Abstract

The aim of this thesis is to offer a detailed examination and analysis of reform literature concerning the Lordship of Ireland between 1515 and 1541. It addresses questions relating to the dating, authorship, and content of reform discourse, and explores its implications in order to provide a nuanced assessment of the roles English and Anglo-Irish officials, as well as the crown, played in influencing and advancing a practical reform agenda for Ireland.

Many of the complaints of the authors of the reform discourse revolved around cultural tensions and attempts to dislodge 'overmighty' earls who had become *de facto* governors of the lordship. Their concerns also reflected broader fears about the power wielded by the other great magnates, as well as notable lords and churchmen of Ireland. The rise of Kildare power in particular presented enduring problems, bringing into relief the most significant impetus for reform described in the discourse.

This thesis also recognises the significance of intellectual currents that came to bear on aspirations for reform. Accordingly, from the fifteenth century, it investigates the ideological roots of reform, focussing on the influence of humanism and concomitant ideas of the 'commonweal'. How those intellectual currents influenced reform writers, how their opinions were further moulded by contemporary events and circumstances, and how these came to bear on the crown and manifested in official policy is also explored. The 1515 treatise, the 'State of Ireland', in particular, is examined in depth, providing as it does an important intellectual bridge across the traditional medieval and early modern boundary, defining a standard that would be both complemented and challenged in future treatises and correspondence.

The cumulative influence of the discourse on the crown and how it affected Henry VIII's disposition towards reform in the lordship – intellectually and practically – is also considered in light of his correspondence with those involved in the Dublin administration. Accordingly, this thesis attempts to reconcile Henry VIII's evolving views of governance in Ireland with some historians' contention of a humanist-inspired 'reforming milieu' based in the Pale. It will consider whether some Palesmen shrewdly leveraged the language of humanism to ingratiate themselves with the king so that their concerns were more favourably received.

The study of early Tudor reform discourse provides important insights into the militaristic and colonialist events of subsequent decades. Indeed, Henry's moderate approach to governance in Ireland, which gradually took shape after 1515 and culminated in the parliamentary act that made him King of Ireland in 1541 and the conciliatory programme of surrender and regrant, died with him in 1547, having catastrophic repercussions for centuries to come.

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Abbreviations

AFM	*The Annals of Ireland (Translated From the Original Irish of the Four Masters)*
BL	The British Library
CCM	*Calendar of Carew Manuscripts*
CHI	*Cambridge History of Ireland*
COD	*Calendar of Ormond Deeds*
LP	*The Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII*
LPL	Lambeth Palace Library
NHI	*A New History of Ireland*
ODNB	*Oxford Dictionary of National Biography*
SP, Hen. VIII	*State Papers* (England)
SP, Ire., Hen. VIII	*State Papers* (Ireland)
TCD	Trinity College, Dublin
TNA	The National Archives (England)

Special Abbreviations

IR	Irish pounds (approx. ⅓ English £)
n	Footnote
m	Membrane

Preface

'…wherever the rights of war hold good,
there is no room for the functions of a judge.'

Quintilian, *Institutio Oratoria, Book V, x, 114*

The Reform Treatises and Discourse of Early Tudor Ireland, *c*. 1515-1541

Introduction

Historian Peter Crooks recently identified an important research agenda concerning how people participated in the various political and social dialogues of the late medieval and early modern periods. He observed that

> the tasks of identifying the political languages or 'discourses' through which ideas were expressed; of mapping the semantic range of keywords that recur within and across those vocabularies; of probing what people thought they were doing with the language they deployed in specific political contexts; of examining how principles constrained or potentiated the political actors who invoked them; and of tracing the conceptual shifts that keywords underwent as they were redefined through 'negotiation' between crown and community, were refreshed from Europe by new conceptions of legitimate authority, and were given new significance by the changing social environment they were taken to signify – these constitute a research agenda that has scarcely been identified for late-medieval Ireland, much less begun.[1]

Crooks points also to the work of Antony Black, who asserts the significance of medieval and early modern writers' adoption of the 'political languages' of the ancients, rather than necessarily or entirely subscribing to their doctrines.[2] Crooks' agenda is ineluctably a broad one, and far too large to credibly address in this thesis. But it offers an important starting point from which to begin to engage with the reform literature of late medieval and early modern Ireland in a more focussed manner than has generally been the case.

[1] Peter Crooks, 'The Structure of Politics in Theory and Practice, 1210–1541', in *CHI, 600-1550*, (ed.) Brendan Smith (Cambridge, 2018), vol. 1, pp. 441-68, p. 443.
[2] Antony Black, *Political Thought in Europe, 1250-1450* (Cambridge, 1992), p. 11.

In the Ireland of the early sixteenth century, the dominant political discourse – between the native Irish, the Anglo-Irish,[3] and the crown – drew continuity as well as renewed inertia from the idea of reform. Indeed, historian David Edwards has observed that the study of the relationship between the English crown and the lordship of Ireland in the sixteenth century has been dominated by the issue of reform.[4]

Reform, in the broadest sense of the term, is indelibly woven into the fabric of any consideration of English and Anglo-Irish relations. Not surprisingly, the term harbours several meanings. In its simplest sense, it signifies a desire for change or improvement of an existing order.[5] That 'order' might be political, social, economic, religious, or indeed apply to any number of categorisations in any number of historical periods. Maginn and Ellis posit that the bridge between the concept of reform and its manifestation in the material world is the literature itself:

> It is now generally accepted that the corpus of reform literature which appeared in Henry VIII's reign marks the most tangible manifestation of this concept and represents the ideological starting point for understanding Tudor thinking about Ireland. But little consensus has emerged as to the intellectual ownership of the concept – whether it sprang from an "Anglo-Irish reforming milieu" as Brendan Bradshaw memorably described it – or over its origins; whether reform was a concept inherited from the medieval period or an outgrowth of sixteenth-century Renaissance humanism.

[3] The term 'Anglo-Irish' has been adopted in this thesis purely for the sake of expediency, recognising that other terminologies like 'English of Ireland', while perhaps more accurate, are nevertheless cumbersome, and more importantly, do not usefully distinguish between Englishmen born in Ireland and those who moved there from England proper. The term's long usage ensures a more immediate understanding.

[4] Edwards is perhaps the most critical of 'reform' as a historical concept as it is applied to English and Irish relations in the sixteenth century, seeing it as a response to Elton's model of Tudor reform in England. David Edwards, 'Collaboration Without Anglicisation: The MacGiollapadraig Lordship and Tudor Reform', in *Gaelic Ireland, c. 1250-c. 1650: Land, Lordship and Settlement*, (eds.) Patrick J. Duffy, David Edwards and Liz FitzPatrick (Dublin, 2001), pp. 77-97, p. 77.

[5] The *Oxford English Dictionary*'s primary definition of reform is: 'The action or process of making changes in an institution, organization, or aspect of social or political life, so as to remove errors, abuses, or other hindrances to proper performance.' Oxford English Dictionary, '"reform, n.2 and adj."', Oxford University Press, Accessed 3 Jul. 2018, http://www.oed.com/view/Entry/160987?rskey=EakRG0&result=2.

Critically, they note, 'reform is a concept that, though it is frequently evoked, has not been thoroughly defined or subjected to systematic investigation, with the result that historians' treatment of reform varies.'[6]

For the purpose of this thesis, reform will in one sense be regarded in the traditional manner as the pursuit by the crown and its representatives to restore the geographical and social integrity of the lordship as it was recalled to have been in centuries previous. But newer features of expression must also be taken into account and assessed, making a broader inclusion of often scarce sources. For this reason, this thesis will follow Heffernan's classification of 'reform sources' as including the policy papers, letters, and treatises of a broad range of nobles and gentlemen on both side of the Irish Sea.[7]

Reform in the early sixteenth century should also be regarded as coextensive with the evolving political discourse of the fifteenth and sixteenth centuries in England and Ireland. A critical feature of both centuries involved the influence of certain intellectual currents, particularly Renaissance humanism and early conceptions of the commonweal. How these came to bear on reform and reform literature in the Irish lordship throughout the fifteenth and sixteenth centuries will therefore remain a key theme throughout this thesis.

Many historiographical considerations of reform relating to the sixteenth century concentrate on the reactions of the crown to increased calls for reform originating in the Pale. These focussed on ideas of lordship or *dominium*, the relationship and mutual obligations between the crown, nobility, and commons as understood in the context of an evolving notion of 'commonweal'; concepts of identity – how the native Irish regarded the Anglo-Irish, how the latter regarded themselves, and how the crown perceived both; and the ongoing process of late medieval

[6] Christopher Maginn and Steven G. Ellis, *The Tudor Discovery of Ireland* (Dublin, 2015), pp. 21-22.
[7] Heffernan includes in his definition of reform compositions: formal treatises characterised by headings and comprising clearly delineated points, and informal ones with a less rigid structure and noted more for their 'extended discussions on policy issues;' and letter-tracts offering 'extended analyses of the political state of the country,' with 'recommendations for how to extend Tudor rule in Ireland.' Heffernan supplies descriptions of other categories and sub-genres, but these apply to material dating to the mid sixteenth century and beyond. D. Heffernan, *Debating Tudor Policy* (Manchester, 2018), pp. 6-8.

centralisation, or what historians Geoffrey Elton and Brendan Bradshaw refer to as 'unitary sovereignty'.

Most studies of Tudor Ireland have tended to use reform compositions strategically, sacrificing sustained scrutiny of them to the broader exploration of prevailing political and social circumstances. The interactions in these spheres of the great magnates, lesser nobility, wealthy gentlemen of the Pale, and the crown, are obviously of the utmost significance, but an attempt to contribute to a renewed effort that seeks to better understand the early sixteenth-century political and social dynamic in Ireland requires a modified approach. This thesis will accordingly offer an assessment of the discourse between the Anglo-Irish and the English crown in the fifteenth and sixteenth centuries by returning focus to the reform messages themselves: to their authors and their mediums – the parliamentary petition, the political tract or treatise, and the humble letter.

Historiography

D.G. White

Among the earliest to consider reform literature more comprehensively was D.G. White in his unpublished 1967 PhD thesis, 'The Tudor Plantations in Ireland Before 1571'. His two-volume study traces the political circumstances of the Pale, beginning in 1485, and examines the interaction between the crown and its vice-regal authorities in Dublin leading up to the early experiments with plantation as an instrument of colonisation in the mid to late sixteenth century. White offers valuable synopses of a number of treatises from the 1510s and 1520s, including: the anonymous 1515 'State of Ireland and plan for its reformation';[8] the weighty correspondence, laden with reform-related ideas, of the Earl of Surrey and King Henry VIII between 1520-22, when the former was governor in Ireland;[9] the loquacious epistolary orations of Robert Cowley, tract-like in length and brimming with often partisan ideas relating to the Dublin administration;[10] 'A

[8] Hereafter referred to as the 'State of Ireland', a treatise that is the topic of Chapter 3. D.G. White, 'The Tudor Plantations in Ireland Before 1571' (PhD, Trinity College Dublin, 1967), pp. 27-32.
[9] White, 'The Tudor Plantations in Ireland Before 1571', pp. 33-41.
[10] White, 'The Tudor Plantations in Ireland Before 1571', pp. 48-9.

discourse of the cause of the evell state of Ireland and of the remedies thereof', attributed to Thomas Bathe;[11] and Patrick Finglas' 'A breviate of the conquest of Ireland and of the decay of the same'.[12]

White takes a chronological approach and cites liberally from documents identifiable as reform literature. But while some of his summaries of the earlier treatises contribute to a ready accessibility, his focus remained limited to those portions of the treatises that provide illuminating detail relating to immediate political circumstances as well as the evolution of ideas of plantation. Accordingly, he did not engage in thematic discussions that might have better described the relationships between the documents.

Brendan Bradshaw

In spite of White's necessarily limited consideration of those documents, a decade later Brendan Bradshaw, in his *Irish Constitutional Revolution of the Sixteenth Century*, was still able to lament the paucity of study in the area:

> In Ireland as in England...the movement for reform generated a considerable body of literature...Elsewhere this material has attracted considerable scholarly attention, but students of Irish history have shown less patience with it than they might. Nevertheless it must be studied.[13]

He admitted that, even as it pertained to the themes of his study, the reform corpus played only a secondary role, concerned as he was to just 'sift the earliest contributions to the literature in order to elucidate the attitudes and the mood within political circles in the Pale.' As a component of his inquiry into the constitutional changes in sixteenth-century Ireland, Bradshaw outlined the existence of a reform group based in the Pale whose ideas, he posited, provided an intellectual impetus for the changes of the 1530s and 40s.[14] For Bradshaw, the historical processes of the previous century – increasing magnate power in the lordship, as well as a continuing 'Gaelic

[11] White, 'The Tudor Plantations in Ireland Before 1571', pp. 49-53.
[12] White, 'The Tudor Plantations in Ireland Before 1571', pp. 83-6.
[13] Brendan Bradshaw, *The Irish Constitutional Revolution of the Sixteenth Century* (Cambridge, 1979), p. 36.
[14] Bradshaw's notion of a 'reforming milieu' in the Pale was formulated before the publication of his *Constitutional Revolution*: Brendan Bradshaw, 'Cromwellian Reform and the Origins of the Kildare Rebellion, 1533–34', *Transactions of the Royal Historical Society*, 27 (1977), pp. 69-93, p. 73.

revival' which threatened its borders – inaugurated an attempt to 'elicit relief from the guarantor of their freedom and their security, the Crown.'[15] Bradshaw remains the scholar who has analytically engaged with the lion's share of reform treatises in the early Tudor period.

'Particular' versus 'General' Reformations

This solicitation for 'relief', or call for reform, according to Bradshaw, can be regarded as having been initiated in 1515 with the treatises of Patrick Finglas and William Darcy, the anonymous 'State of Ireland', and later 'A discourse of the cause of the evell state of Ireland' (*c*. 1524-8). Bradshaw offered a more comprehensive analysis than did White, situating the treatises of Finglas and Darcy more specifically in the context of calls for a 'particular' reformation, a conservative approach 'bound by a conceptual framework dating from the fourteenth century' that proposed the consolidation of the existing colony.[16] By contrast, his analysis of the anonymous 'State of Ireland' highlighted its proposal for a 'general' reformation that sought to extend the authority of the English crown throughout the entire island. He distinguished between the approach taken by Finglas and Darcy, 'more typical of late medieval political literature,' and what he perceived as the more humanist-oriented content of the 'State of Ireland'.[17] For Bradshaw, the most significant marker of the 'State of Ireland' as representing a new tradition of reform literature was in its employment of the term and concept of the commonweal. The treatise, he says, 'altered the perspective, adding a philosophical and social dimension to a problem which had been considered hitherto in narrowly political and historical terms…assessing it in the light of the requirements of the commonwealth.'[18] Intrinsic in this formulation is the

[15] Bradshaw, *Constitutional Revolution*, pp. 35-7. Relief measures were sometimes enacted in legislation and included reforming the administration of the Pale in a manner consistent with crown management in other remote regions such as the in marches on the northern border with Scotland, in Wales, as well as Calais. In the lordship, among other measures, this entailed: cutting passes through the woodlands to facilitate defence and improve communications between the peripheries and Dublin; building and refortifying garrisons and castles; and the redistribution of attainted, absentee, and monastic lands to 'establish the nucleus of an efficient and loyal crown bureaucracy.' Bradshaw, *Constitutional Revolution*, p. 127.
[16] Bradshaw, *Constitutional Revolution*, pp. 37-48.
[17] Bradshaw, *Constitutional Revolution*, pp. 43-4.
[18] Bradshaw, *Constitutional Revolution*, p. 51. For his entire analysis, see: pp. 51-56.

assumption that the period *c*. 1515 marked a new stage in the substance of the messages being communicated to London.[19]

Unitary Sovereignty

Supposedly contributing to the inertia of reform from within the Pale were the administrative innovations of the crown under the auspices of Henry VIII's chief minister, Thomas Cromwell. The driving initiative was that of 'unitary sovereignty', which constituted an 'obligation to ensure that the existing community of the king's subjects were unilaterally governed under the crown's sovereign jurisdiction, without the insinuation of secondary jurisdictions.'[20] Bradshaw's thesis is heavily dependent on the assumption that Cromwell was the prime mover of reform in the 1530s, and accordingly draws support from G.R. Elton's studies on the relationship between the king and his chief minister,[21] the personality and motivations of Cromwell himself,[22] and the fevered parliamentary activity of that decade.[23]

Referring to the reform literature during the reign of Elizabeth I, Bradshaw observes that a comparative analysis of the treatises would yield 'insight into the general political history of the period, not only illuminating what happened but also drawing attention to what failed to happen, the latter frequently a matter of no less historical significance than the former.'[24] This thesis will apply the same reasoning to the parliamentary lists of grievance, treatises, and letters of the fifteenth and early sixteenth century with a view to interrogating the assumption that the period *c*. 1515 and beyond denoted a significant departure in the substance of those communications as well as the administrative reactions to them. It is an assumption that has been adopted widely

[19] For a discussion on how nationalist histories come to bear on the interpretation of evidence, particularly insofar as they introduce possibly misleading teleologies, see: Steven G. Ellis, 'From Medieval to Early Modern: The British Isles in Transition?', in *Medieval or Early Modern: The Value of a Traditional Historical Division*, (ed.) Ronald Hutton (Newcastle, 2015), pp. 10-28, pp. 17-8.
[20] Bradshaw, *Constitutional Revolution*, pp. 118-19.
[21] G.R. Elton, 'King or Minister?: The Man Behind the Henrician Reformation', *History*, 39, 137 (1954), pp. 216-32.
[22] Elton described Cromwell as one to whom 'the prophets of reform naturally flocked.' G.R. Elton, *Reform and Reformation: England, 1509-1558* (London, 1984), p. 173.
[23] Many of the statutes can be found re-printed and discussed in: G.R. Elton, *The Tudor Constitution: Documents and Commentary* (Cambridge, 1968). For Elton's integrated view of Tudor administration in the sixteenth century, see his: G.R. Elton, *England Under the Tudors* (London, 1991).
[24] Bradshaw, *Constitutional Revolution*, p. 37.

within the historiography and one that this thesis will seek to challenge on the basis of recent discoveries about the provenance of the numerous iterations of Finglas' 'Breviat', a detailed examination of the anonymous 'State of Ireland', and a close study of the correspondence between Henry VIII, Wolsey, Cromwell, and the Dublin council and other members of the Anglo-Irish polity.

Fiona Fitzsimons

Notwithstanding his admission of having only 'sifted' early reformist tracts, the absence of detailed scholarly investigation into those writings left Bradshaw open to criticism. In her 2004 article, 'Wolsey, the native affinities, and the failure of Reform in Henrician Ireland', Fiona Fitzsimons criticised Bradshaw for his use of just four documents as evidence of an Anglo-Irish reform movement.[25] Taking issue with Bradshaw's provision of those few examples, Fitzsimons offered a spirited critique of the tracts, suggesting that he was off the mark in attempting to relate them to an overarching influence of Renaissance humanism. 'Surely,' she questions, 'it should require more than four documents to prove the existence of a political platform?'[26] But like Bradshaw, her focus remained fixed on the crown's administrative responses rather than on the documents themselves, reinforcing the centrality of high politics in historiographical conceptions of reform.

Reform

David Edwards on Reform

For Bradshaw, reform was signified in part by the combination of calls for change emanating from within the Pale, and Cromwell's reforming initiatives of the 1530s. For Fitzsimons, it had less to do with a native Pale reforming milieu than with Cardinal Wolsey's innovations of the 1520s. Other scholars have conceptualised it in broader terms, notably that of a 'Tudor re-conquest'. David Edwards, for example, takes issue with arguments debating the watershed moments of reform, whether in 1520 with the appointment of the Earl of Surrey as Lord Lieutenant; in 1534

[25] Fiona Fitzsimons, 'Wolsey, the Native Affinities, and the Failure of Reform in Henrician Ireland', in *Regions and Rulers in Ireland, 1100-1650*, (eds.) David Edwards and Kenneth Nicholls (Dublin, 2004), pp. 78-121, pp. 83-4.
[26] Fitzsimons, 'Wolsey, the Native Affinities', *Regions and Rulers in Ireland, 1100-1650*, p. 84.

with the revolt of Kildare; around mid-century with the establishment of garrisons in the marches and the inauguration of the Leix-Offaly plantation; or later in the century still, with the Desmond and Butler revolts in the 1570s and 80s, and the subsequent Nine Years War (1594-1603). The real conquest, he says, began early, and it began in the localities where the effects of military intervention were felt most. Arguments to the contrary – the revisionist views – he says, endorse the idea that in the early decades of the sixteenth century the government sought only to undermine, rather than conquer, the Gaelic order.[27] For Edwards, reform appears to have been a unilateral concern that amounted to nothing short of a re-conquest of the entire island. Reform was, he says, a 'smokescreen…to justify a policy of military engagement and colonial expansion.'[28] Its impetus was regarded primarily as issuing from Dublin and London.

Edwards went on to emphasise instead the importance of including and honing in on responses emanating from the localities. There, in the Irish chiefdoms and lordships, reform had only a nominal effect: the Gaelic order remained more or less untouched, portraying the ethereal nature of reform policies. Edwards concluded that whatever the desires of the Pale reformers, or the so-called conciliatory sentiments expressed by some officials and, notably, by the king, the entire reform dialogue was obviated by prevailing political circumstances which, early in the century, ushered in an era of intensifying violence that marked the beginnings of the increasingly interventionist and militaristic policies of the late sixteenth century.[29]

Edwards' critique of the very notion of reform is important. It highlights the influence of models of Tudor government, particularly those of Elton, traditionally applied to the machinery of administration in England. It also places a significant emphasis on the need for critical assessments of reform to be undertaken at the local level, as Edwards has done for the MacGiollapadraig lordship. In that particular study, however, he criticised 'revisionists' like Brendan Bradshaw, Steven Ellis, J.G. Crawford, and Ciaran Brady, who aver the significance of reform, even in its failures. Clearly, for Edwards, success or failure of any reform programme was

[27] David Edwards, 'Beyond Reform: Martial Law & the Tudor Reconquest of Ireland', *History Ireland*, 5, 2 (1997), pp. 16-21, pp. 16-17.
[28] Edwards, 'The MacGiollapadraig lordship', *Gaelic Ireland, c. 1250-c. 1650: Land, Lordship and Settlement*, p. 77.
[29] David Edwards, *Age of Atrocity: Violence and Political Conflict in Early Modern Ireland* (Dublin, 2010), pp. 48-9.

beside the point – if not utterly non-existent. What was real, what was taking place in the localities, was simply a multitude of 'Tudor captains trying to conquer the country.'[30] But what Edwards did not consider fully was the changing nature of the characteristics of reform ideology through the century, a phenomenon he would be all the more likely to miss given his reservations of acknowledging it all. Indeed, much of his evidence for the increasing aggression of the Tudor state derives, unsurprisingly, from the middle and latter half of the sixteenth century. The great value of Edwards' contribution notwithstanding, this thesis will attempt to re-direct emphasis to the earlier half of the century, a period that has been subject to much less critical examination.

Steven Ellis on Reform

Steven Ellis treats reform from the perspective of the administrative structures of the lordship. His efforts are notable for their attempts to discuss reform as a phenomenon not solely confined to the period after *c*. 1500. Significant attempts to reform the lordship had taken place under Edward IV in the 1460s, and it was after these that political authority came to be increasingly centred on the Pale, necessitating a greater interest on the crown's behalf in the 'Palesmen's interests and sympathies.'[31] In spite of the fact that much of the reform literature of the fifteenth and sixteenth centuries expressed the 'interests and sympathies' of the Palesmen, Ellis was nevertheless frequently dismissive of the reform discourse itself. A letter including articles for reform addressed to the king and sent by the council in Ireland is described as one to 'merit little credence,' as are the parliamentary and conciliar letters of grievance sent to England in 1428 and 1435.[32] Similarly, William Darcy's articles of 1515 are described as 'highly misleading and, allowing for the polemical style then usual in such tracts, it does not seem that anything more than a vague feeling that all was not well lay behind them.'[33] Not surprisingly, then, Ellis gave short shrift to the broader set of reform literature available.

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[30] Edwards, 'The MacGiollapadraig lordship', *Gaelic Ireland, c. 1250-c. 1650: Land, Lordship and Settlement*, p. 77.
[31] Steven G. Ellis, *Reform and Revival: English Government in Ireland, 1470-1534* (New York, 1986), p. 4; Steven G. Ellis, *Tudor Ireland: Crown, Community and the Conflict of Cultures, 1470-1603* (London, 1985), pp. 53-5.
[32] Ellis, *Reform and Revival*, pp. 51-2.
[33] Ellis, *Tudor Ireland*, p. 103. Reminiscent of this, as pointed out by Crooks, is the view of some historians towards these sorts of '*gravamina*', regarded as 'wearisome and sordid'. Crooks, 'Structure of Politics', *CHI, 600-1550*, vol. 1, p. 443; Margaret C. Griffith, 'The Talbot-Ormond Struggle for Control of the Anglo-Irish Government, 1414-47', *Irish Historical Studies*, 2, 8 (1941), pp. 376-97, p. 376.

Ellis' concerns regarding the value of early reform literature are worth considering. As he points out, the 'polemical style' of many tracts lead to questions about the sincerity of the complaints expressed in them and how seriously they should be regarded. But it was a frequent, valid mode of articulating issues and making appeals to higher authorities. The 1530s, for example, were marked by numerous works noted for their 'polemical style', including several works by scholars groomed by Wolsey and Cromwell and put to work advancing arguments in support of the Henrician regime.[34] Many of these works are classified as propaganda, but the appellation has not deterred historians from studying them in the context of broader dialogues, between, for example, the crown and the rebels complicit in the Pilgrimage of Grace.[35] Burns makes the same point regarding the conciliarist discourse of the early fifteenth century. He points out that discussions relating to *dominium* or lordship, as early as the eleventh century, informed the conciliarist discourse of the fifteenth in spite of their having been 'so often polemical or propagandist in character. That might, but should not,' he points out, 'be allowed to, devalue the intellectual currency they helped to coin and circulate.'[36]

Still, Ellis' reticence on the matter of reform literature stands as a warning and reminder of the difficulties inherent in relating the ethereal substance of reform discourse to the political and social realities of fifteenth and sixteenth-century Ireland. His review of Bradshaw's *The Irish Constitutional Revolution of the Sixteenth Century* points out that while it was 'based on a careful examination of the surviving state papers,' it nevertheless 'ignores transcripts of administrative rolls and records in Ireland and is therefore more effective concerning contemporary views about the weaknesses of crown government than how it functioned in practice.' An over-reliance on

[34] Several of the authors involved in these dialogues are discussed in: G.R. Elton, *Policy and Police: the Enforcement of the Reformation in the Age of Thomas Cromwell* (Cambridge, 1972).

[35] See, for example: Tracey A. Sowerby, ''All our books do be sent into other countreys and translated': Henrician Polemic in its International Context', *The English Historical Review*, 121, 494 (2006), pp. 1271-99; Tracey A. Sowerby, *Renaissance and Reform in Tudor England: The Careers of Sir Richard Morison, c. 1513-1556* (Oxford, 2010).

[36] James H. Burns, *Lordship, Kingship, and Empire: The Idea of Monarchy, 1400-1525* (Oxford, 1992), p. 12. The 'hyperbole' of the treatises, particularly the sort that sought to represent the native Irish as a dangerous, unfathomable 'other', was characterised by a tension between 'assimilation and the preservation of a distinct identity, between the colonial rhetoric of the Irish as "enemy" and the daily reality of alliance, intermarriage, and accommodation.' Nor were such tensions and their expression particular to Ireland; they were apparent in Wales and other European contexts. Sparky Booker, *Cultural Exchange and Identity in Late Medieval Ireland: The English and Irish of the Four Obedient Shires* (Cambridge, 2018), p. 2 and n6 on p. 3.

the reform literature *c*. 1515, consequently served only to perpetuate the myth of a decline in the lordship in the preceding decades. The perceived need to address that decline, he suggests, exaggerated the significance of Bradshaw's reforming milieu in the period from 1510-30.[37]

But if the period was not one of crisis, if the reformers were not actually responding to the culmination of a centuries-long decline, what were the reasons for their treatises? For some, as noted earlier, the answer had as much or more to do with an evolving humanist and commonwealth ideology as it did with political and social circumstances in the Pale. How, if indeed at all, ideological pretensions of a humanist bent are evidenced in the letters of grievance and treatises must therefore be a consideration of this thesis. However, they will remain something of a secondary concern given the manifest difficulty of establishing causal connections between rhetoric and action.[38]

The research of Edwards and Fitzsimons led them away from Bradshaw's conception of a reform movement that found its origin in the Pale. Rather, for both, local power structures were more important than factional manoeuvring in London or Dublin. Fitzsimons' ideas, however, distinguish themselves from Edwards insofar as she presses the recognition of Henry VIII's chief minister, Wolsey, who offered a critical bridge between the world of high politics and attempts to engender reform on the ground in Ireland.

Humanism and the Commonweal

Colm Lennon and D.B. Quinn

Some scholars have in varying measures endorsed Bradshaw's views in their own assessments of the influence of humanism on reform discourse. Colm Lennon, for example, echoes Bradshaw in conferring on William Darcy the title of 'father of the movement for political reformation in Ireland,' and concedes the influence of Renaissance humanism on the reform literature into the

[37] Steven G. Ellis, 'Review of Brendan Bradshaw's "Irish Constitutional Revolution of the Sixteenth Century"', *Irish Historical Studies*, 22, 85 (1980), pp. 78-81, pp. 78-9.
[38] Michael Leroy Oberg, 'Review (Andrew Fitzmaurice's "Humanism and America: An Intellectual History of English Colonisation, 1500-1625")', *The William and Mary Quarterly: A Magazine of Early American History*, 61, 1 (2004), pp. 171-3, pp. 171-173.

1540s.[39] But the influence of humanism on the reform literature of Ireland in the early sixteenth century has, perhaps for good reason, been more generally touched on only periodically and tangentially by scholars. For many, particularly in relation to the early decades of the century, the connection remains tenuous, although greater clarity of affiliation is attained as the century progresses, with the coalescence of Protestant as well as more recognisably 'commonwealth' strains of thought. D.B. Quinn, for example, described how the revival of Roman models of colonisation exemplified in the writings of Thomas More and Niccolò Machiavelli combined with the return of coercive vice-regal policies around mid-century to foster increasing colonial activity in Leix and Offaly, to the west of the Pale. Garrisons were established, towns grew therefrom which 'gradually spread their influence and their settlers over the surrounding country, very much as a Roman colony would have done.'[40]

While the evidence for humanist influence on reform literature is sparse for the fifteenth and early sixteenth centuries, it must nevertheless be borne in mind given its contemporary influences in England and on the continent.[41] And, as Lennon rightly points out: 'Through their links with the English universities at Oxford and Cambridge and the Inns of Court in London, it is likely that members of the gentry in the Pale came into contact with Christian humanism.'[42]

John Montaño

John Montaño has incorporated a consideration of humanist influence on the reform literature of the early sixteenth century into a fundamentally structuralist conception of the relationship between the crown and Ireland, focussing on the polarities of tilling and pastoralism; and, more

[39] Bradshaw, *Constitutional Revolution*, p. 37; Colm Lennon, *Sixteenth-Century Ireland: The Incomplete Conquest* (Dublin, 1994), pp. 79-81. See also Heffernan's comments relating to Darcy's tract and the 'curious' appellation: D. Heffernan, *Debating Tudor Policy in Sixteenth-Century Ireland: 'Reform' Treatises and Political Discourse* (Manchester, 2018), p. 30.
[40] D.B. Quinn, 'Renaissance Influences in English Colonization', *Transactions of the Royal Historical Society (Fifth Series)*, 26 (1976), pp. 73-93, pp. 73-77. See also: Howard Mumford Jones, 'Origins of the colonial idea in England', *Proceedings of the American Philosophical Society* (1942), pp. 448-65, pp. 451-7. For more recent studies, see: Andrew Fitzmaurice, *Humanism and America: An Intellectual History of English Colonisation, 1500–1625* (Cambridge, 2003); Andrew Fitzmaurice, 'The Ideology of Early Modern Colonisation', *History Compass*, 2, 1 (2004), pp. 1-14.
[41] Elton, *Reform and Reformation: England, 1509-1558*, p. 158.
[42] Lennon, *Incomplete Conquest*, p. 81.

broadly, conceptions of the civilised and savage. Following Fitzsimons, he attributed early reform initiatives to Cardinal Wolsey, who encouraged absentees to return to Ireland. These landowners, he said, combined with 'more and more officials and humanists [who] turned their attentions to resolving the problem of the disordered state of the lordship.' Montaño pointed out their reception and approval of reform treatises like the 'State of Ireland', which spurred agreement that they should direct their efforts towards 'alter[ing] the landscape, regarding it as the necessary precursor to any reformation of the people,' while 'their hostility to barbarous customs persuaded them that if the people resisted the proffered reform, then sterner measures against native culture would have to be taken.' The 'State of Ireland', he offered, 'presupposed two distinct cultures in Ireland (one savage and primitive, the other civil and advanced).'[43]

Samantha Watson

There is a continuing and growing interest in the influence of humanism on English governance in the Irish lordship. In her 2014 doctoral dissertation, Samantha Watson investigated the ideological means employed by the English crown to justify a programme of conquest and colonisation in Ireland. Her stated focus is on the correspondence and treatises of sixteenth-century official interlocutors in a 'pan-European' intellectual context with a particular emphasis on humanism and the commonweal.

Yet Watson's conclusion, that the English colonial enterprise was also informed by Protestant predestinarianism and – aligning with Montaño's view – the importance of cultivation or tilling as a marker of civility, is illustrative of the traditional emphasis on the religious, intellectual, and socio-political movements of the late century. She avers that 'Irish policy in the mid-sixteenth century established a precedent of husbandry and cultivation from which Elizabethan and Jacobean writers would draw in their pursuit of a more aggressively Protestant policy towards the rational organisation of the environment.'[44] Structurally too, Watson's thesis, while including a valuable section on the themes of 'humanism and improvement', self-consciously attests that

[43] John Patrick Montaño, *The Roots of English Colonialism in Ireland* (Cambridge, 2011), p. 76.
[44] Samantha Watson, 'To Plant and Improve: Justifying the Consolidation of Tudor and Stuart Rule in Ireland, 1509-1625' (PhD, University of New South Wales, 2014), p. 118.

it is nevertheless 'concerned with locating these themes in the context of early modern Ireland by assessing the source material against the criteria of humanist and Protestant ideology.' Revealing sustained interest in the late-century, she further interrogates the notion that 'certain humanist ideas were incompatible with the Protestant principle of the elect.'[45] Obviously Protestant ideology in the first three decades of the century was non-existent, and – certainly in the Irish context – had little time to coalesce into anything easily definable in the years before mid-century.[46] It is unsurprising, therefore, that Watson's attentions were fixed predominantly on the terminal decades of the 1500s. This provides some practical limitations, but her overall consideration remains necessarily sweeping in order to give due attention to broader ideological currents across the century.

It is significant also to point out that in a section dealing with the reign of Henry VIII, she glosses over the deeper roots of humanism and the commonweal, stating that '[h]umanist ideas about political participation and state-building were carried to Ireland by English-born and educated officials who took up service in the wake of the Kildare rebellion in the 1530s.' The anonymous 1515 'State of Ireland', arguably one of the most important pieces of reform literature relating to reform in Ireland – not least because it provides an invaluable discursive bridge to the preceding century – is accorded just two pages.[47] 'New English' officials, appointed by the crown after the 1534 Kildare rebellion, are regarded as touchstones of humanist transmission, and this comes at the expense of sustained consideration of the treatises themselves.

This thesis will not pretend to be immune to fascination with early modern ideological currents and will accordingly attempt to complement the efforts of others like Watson by suggesting modes by which humanist ideologies might have been expressed in the earliest decades of the sixteenth century. But it will also attempt to be distinctive in maintaining resolute focus on the primary sources of those years, and endeavour to demonstrate an equal determination to limit

[45] Watson, 'To Plant and Improve: Justifying the Consolidation of Tudor and Stuart Rule in Ireland, 1509-1625', p. 48

[46] A point Watson later concedes. Watson, 'To Plant and Improve: Justifying the Consolidation of Tudor and Stuart Rule in Ireland, 1509-1625', p. 104.

[47] Watson does indicate that the 'State of Ireland' owed much of its content to a lost, earlier work known as the *Salus Populi*, which will be discussed in detail in Chapter 3. Watson, 'To Plant and Improve: Justifying the Consolidation of Tudor and Stuart Rule in Ireland, 1509-1625', pp. 70-2.

itself to consideration of the period before the mid-century, when ideas of the commonwealth had not yet accreted into their more recognisable early modern form, and perhaps, in fact, had more in common with ideas of the commonweal of the fifteenth rather than the late sixteenth or seventeenth centuries.

The authors of the early treatises and letters were prone to adopting ambiguous and sometimes contradictory views within the same exposition, making categorisation of their compositions into any one theoretical scheme difficult, if not misleading. The 'State of Ireland' itself offers proposals foreshadowing the conciliatory policies of the 1540s, but so too does it recommend the forcible removal of certain native Irish populations, and the transplantation in Ulster and Leinster of one man from every parish in England.[48] The problem with Montaño's interpretation is that the structuralist approach relies heavily on a teleology which itself presupposes the more coercive, polarised approach taken by the crown in the late sixteenth century, sidelining significant, earlier periods of rapprochement with the native Irish, specifically the programme of 'surrender and regrant' of the 1540s. For her part, Watson is perhaps too inclined to see manifestations of humanist thought in the reform treatises of early Tudor Ireland, conflating the intellectual thrust of those compositions with the more prolific and perhaps better-structured works of late-century writers. She does not fully consider that the language of humanism might have been employed by some writers more cynically with the singular intent of soliciting and securing the king's favour.

Recent Studies

Christopher Maginn and Steven Ellis

Only very recently have scholars begun to pay more attention to the canon of early reform literature. Christopher Maginn and Steven Ellis draw attention to the process of 'discovery': 'the acquisition by Englishmen of knowledge about Ireland…and the crown's efforts to effect change in Ireland based on this knowledge – reform.' 'Discovery' was a key component of the reform

[48] For the 'State of Ireland' and other examples, see: Ciaran Brady, 'Review (Brendan Bradshaw's "The Irish Constitutional Revolution of the Sixteenth Century")', *Studia Hibernica*, 19 (1979), pp. 177-81,pp. 177-181, pp. 179-80; for these three proposals, see, respectively: 'State of Ireland, and Plan for its Reformation (*c*. 1515)', *SP*, vol. 2, 3, Cap. 1, pp. 1-31, pp. 29, 27, and 25.

process and one of the pillars of the Tudor approach to the administration of Ireland throughout the sixteenth century. In short, it complemented the more apparent apparatus of administrative authority: 'the formulation of policy, bureaucratic innovations, the outbreak of violence…[and] the framing of laws.' Lack of a concerted study of the concept of 'reform' has resulted in widely varying interpretations of the reform literature and a manifest emphasis on the more prolific and 'elaborate reform tracts that were penned toward the end of the sixteenth century.'[49]

David Heffernan and Some Observations on Methodology

David Heffernan's 2016 *"Reform" Treatises on Tudor Ireland, 1537-1599* offers short commentaries on seventy sixteenth-century treatises.[50] All but one of these, however, fall into the latter half of the century. During the final preparations for the submission of this thesis, Heffernan's 2018 monograph, *Debating Tudor Policy in Sixteenth-Century Ireland*, became available. Its primary focus is on the treatises and policy papers of the late sixteenth century, with just one chapter treating the discourse of the period 1515-1546.[51]

The scope of Heffernan's enterprise is ambitious but leaves ample room for a closer analysis of the works examined in the period between the succession of Henry VIII and the 1537 commission, whose recommendations led to the 1541 Act for Kingly Title, transforming the Irish lordship into a kingdom under Henry VIII. It is not the intention here to replicate his methodology and transpose it onto those works available for the early half of the century; there are far fewer extant treatises.[52] This presents the welcome opportunity to examine most of those that are available in much greater detail, while also incorporating important and related consideration of reform-

[49] Maginn and Ellis, *Tudor Discovery*, pp. 20-22.
[50] D. Heffernan (ed.), *"Reform" Treatises on Tudor Ireland* (Dublin, 2016). The one early treatise considered is an anonymous composition of 1537, Heffernan's commentary and the transcription of the treatise occupying just four printed pages (pp. 3-6). Heffernan's 2013 doctoral thesis remains inaccessible at this time: D. Heffernan, 'Tudor Reform Treatises and Government Policy in Sixteenth-Century Ireland' (PhD, University College Cork, 2013). For details, see: https://cora.ucc.ie/handle/10468/1019.
[51] Heffernan, *Debating Tudor Policy*, pp. 26-76.
[52] Like other historians, Heffernan appears to regard the period from 1515 to 1530 as a period of crown neglect of its Irish policy: 'When the Tudors began taking a sustained interest in Ireland again from the mid-1530s onwards there was a sharp increase in the number of papers being produced.' Heffernan, *Debating Tudor Policy*, pp. 2-4.

oriented correspondence. These have in many cases been overshadowed by the rapidly changing secular and ecclesiastical circumstances of the period.

Heffernan has also published studies on the problem of coyne and livery and plantation in the later-century.[53] More recently, he has focussed on the reformers of the 1530s, including Patrick Finglas, Robert Cowley, and others.[54] These, he says, in spite of crown opposition, were nevertheless able to expound and lay the framework for more aggressive reformist policies after the death of Henry VIII in 1547, a theme that has carried through into his most recent monograph.[55] Heffernan breaks with the conventional opinion, put forward most prominently in Bradshaw's *Constitutional Revolution*, that St Leger was a key proponent of conciliation.[56] He further endorses Brady's contention that 'St Leger was forced to rely on the corrupt distribution of monastic property in Ireland to build consensus for his policies,' and Maginn, who 'characterised St Leger as neither a shrewd manipulator nor a political idealist, but rather as a pragmatist.'[57] He takes their arguments further, however, asserting that 'St Leger's initial position seems to have been in favour of regional conquest,' at one point recommending the plantation of Offaly. For this reason, he categorises St Leger amongst a cadre of 'hawkish' officials dominant on the Dublin council throughout the 1530s and 40s.[58]

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[53] D. Heffernan, 'Six Tracts on "Coign and Livery", *c*. 1568-1578', *Analecta Hibernica*, 45 (2014), pp. 1-33; D. Heffernan, 'A Plantation Landlord and his Landscape: Reconstructing the Estate of Richard Boyle, first earl of Cork, *c*. 1602-1643', *History Ireland*, 23, 2 (2015), pp. 18-20.

[54] D. Heffernan, 'Robert Cowley's 'A discourse of the cause of the evil state of Ireland and of the remedies therof', *c*. 1526', *Analecta Hibernica*, 48 (2017), pp. 3-30.

[55] D. Heffernan, 'The Reduction of Leinster and the Origins of the Tudor Conquest of Ireland, *c*. 1534–46', *Irish Historical Studies*, 40, 157 (2016), pp. 1-21; Heffernan, *Debating Tudor Policy*, pp. 44, 48.

[56] Bradshaw illustrates St Leger's early links to Cromwell and the Duke of Norfolk. He notes that 'St Leger's conciliatory approach was largely conditioned by temperament and by a liberal humanist background. An early biographical note assures us that his education took him to Cambridge, Grey's Inn and Italy. A reference by Roper indicates a connection with the More circle.' Bradshaw, *Constitutional Revolution*, pp. 190-1. William Roper, Thomas More's son-in-law, indicates in his biography of More that St Leger was present at More's 1535 arraignment. William Roper, *The Life of Sir Thomas More, c. 1556* (Texas, 2003), p. 55. For St Leger's education, see: Alan Bryson, 'St Leger, Sir Anthony (1496?–1559), lord deputy of Ireland', *ODNB*, Accessed 21 Nov. 2018, http://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-24512.

[57] Brady also implicated St Leger's key supporter, Thomas Cusack, assistant to Vice-Treasurer William Brabazon, of complicity in taking advantage of monastic dissolutions and financial irregularities. Ciaran Brady, *The Chief Governors: The Rise and Fall of Reform Government in Tudor Ireland* (Cambridge, 2002), pp. 37-8. Maginn allows for more of a pragmatic than an exploitative nature in consideration of St Leger's motives. Christopher Maginn, *'Civilizing' Gaelic Leinster: The Extension of Tudor Rule in the O'Byrne and O'Toole Lordships* (Dublin, 2005), p. 76.

[58] Heffernan, *Debating Tudor Policy*, p. 49.

Accepting Heffernan's general premise of an acquisitive and ambitious group of officials increasingly committed to colonisation and domination of the native Irish, this thesis will go further and seek to elucidate what phenomena can explain why it was that Heffernan's 'hawkish' officials were unable to *effectively* influence crown policy in the 1530s and early 1540s. In doing so, this thesis will re-assert the very significant influence of Henry VIII and, to a lesser degree, his chief ministers, Thomas Wolsey and Thomas Cromwell. To that end, it will also offer a detailed analysis of the anonymous 1515 'State of Ireland', one of the first treatises available for the sixteenth century. It will explore its deep historical roots, which were critical to the formation of the opinions of the king and helped to generate new ideas and reform policies as the sixteenth century progressed.

Those ideological currents are traced back into the fifteenth century and can be seen to have shared a common origin in Renaissance humanism and English conceptions of the commonweal. These broad ideological forces came to bear also on the concept of *dominium* or lordship, which applied traditionally in the Roman sense to property, but had since the eleventh century become the focus of juristic interrogation, which raised questions about reciprocal obligations inhering in the feudal relationship, as well as questions about jurisdiction and sovereignty.[59]

Tied up in these concepts was a subsidiary question that had to do with the issue of title and how it might be justified ideologically and enforced in practice. It was a problem that was to become critical in the context of relations between the English crown, its Irish lordship, and Ireland. How each interlocutor in the reform discourse came at the question, whether from a position endorsing coercion, a negotiated conciliatory stance, an exclusionary approach, or one that embraced the notion of a comprehensive commonweal inclusive of English, Anglo-Irish, and

[59] Crooks observes that '[a]s a technical term in Roman law, *dominium* referred to total ownership of property, with related jurisdiction.' The term is often paired with the associated notion of *imperium*, which could refer 'to the power to punish the wicked by the sword [pure, or i*mperium merum*]...[or] the additional power of adjudication [mixed, or *imperium mixtum*].' *Dominium* and *imperium* together 'asserted paramount authority recognising no temporal superior – in a word, sovereignty.' Crooks, 'Structure of Politics', *CHI, 600-1550*, vol. 1, p. 450. For a discussion of problems surrounding definitions of *dominium*, see: James H. Burns, 'Fortescue and the Political Theory of Dominium', *The Historical Journal*, 28, 4 (1985), pp. 777-97, p. 778.

native Irish, reveals something of the nature of the early building-blocks which constituted subsequent colonial frameworks.

Following Heffernan, it is here hoped that a sustained focus on the reform literature of early sixteenth-century Ireland, and the gradually changing historical contexts the tracts and correspondence were composed in, will contribute to a more robust understanding of what exactly 'reform' meant to contemporaries and what it entailed. In turn, gaining insight into early Tudor reform can render a more particular lens through which the significance of late-century English colonial ideologies can be re-assessed.

Neglect of Reform Literature

The reform literature of Lancastrian, Yorkist, and particularly Tudor Ireland has for a long time been a well-plumbed resource, providing scholars with valuable material to support their respective arguments. But few have attempted to treat the literature as anything more than isolated data points rather than as a set which, taken together, might reveal more than they do independently. Edwards and O'Dowd write that '[t]he extent to which one author relied on another writing some time before him can sometimes be overlooked in the anxiety to quote suitable passages from texts, chosen in what appears to be a rather haphazard fashion.' '[In] view of the ideological debate which these treatises have aroused there is an urgent need to assess them from an archival viewpoint,' and for this reason, Edwards and O'Dowd say, '[t]hey need to be placed in a chronological sequence and the main authors identified.[60]

[60] R. Dudley Edwards and Mary O'Dowd, *Sources for Early Modern Irish History, 1534-1641* (Cambridge, 2003), pp. 86-7. It is testament to this sort of 'referencing anxiety', and perhaps not a little disregard for the significance of the reform discourse itself, that a scholar as experienced as D.B. Quinn could claim in one article that one of Piers Butler's, eighth Earl of Ormond's, most vocal servants with significant ties to Ireland, Robert Cowley, was responsible for a treatise sent to Thomas Cromwell in 1533. Yet in *A New History of Ireland*, he attributes the same letter to Archbishop John Alen, a former servant of Wolsey's with no known ties to Ireland before his appointment there in 1528. For reasons that will be explored, Quinn might be forgiven for the former attribution: Cowley was a well-known critic of Kildare and the letter outlines numerous criticisms of that earl. Cowley is also sometimes thought to have been an Irish native, and the author of the treatise does indicate that he was born in Ireland. Nevertheless, Quinn gives no clue as to the reasoning for his later *volte-face* or its impact on authorship, obviously a crucial consideration in the historical interpretation of any text. D.B. Quinn, 'Henry VIII and Ireland, 1509-34', *Irish Historical Studies*, 12, 48 (1961), pp. 318-44, p. 341; D.B. Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', in *NHI (1169-1534)*, (ed.) Art Cosgrove (Oxford, 2008), vol. 2, pp. 662-87, p. 684; 'Causes of the mysordre and debate in Irlande (*c.* 1533-4)', *SP*, 2, 3, Cap. 64, pp. 166-79, pp. 168, 179. Cowley's will

The attraction of finding a suitable authorial name to attach to a given composition is not surprising and needs very little explanation: a name provides valuable context, information about intent and affiliation, and insight into responses elicited by the text. Yet, as Edwards and O'Dowd pointed out, one gets the sense that the reform correspondence and treatises of early Tudor Ireland, which have been criticised by some historians for being little more than propaganda with nothing to contribute to historical discussion, are nevertheless opportunistically mined in order to provide colour to academic argument, when they should – if they are going to be used in that way – undergo more thorough study and be dissected on their own merits. An important part of this thesis will therefore be to exert a greater level of textual scrutiny than is generally applied to the reform texts.

Historiographical neglect of reform literature as a corpus has also had the consequence of placing disproportionate emphasis on the later Tudor period, when the administrative decisions of the mid-century regency, Mary I, and Elizabeth I culminated in the colonising enterprises and militarisation of the late sixteenth into the seventeenth centuries. Consideration of those decisions is amplified by the comparatively abundant source material, including longer treatises, poems, and books, available to historians for that period. Maginn has recently described how scholars have created, albeit unwittingly, something of an artificial gap between the late medieval and early modern periods characterised by separate arenas of academic discussion. The danger of historiographical discontinuities, of course, is that they become paralleled in depictions of history itself, and 'watershed' moments become more attractive than they ought to be. Maginn has observed how influential scholarly works on Ireland, such as the *New History of Ireland*, volumes one and two, 'most clearly delineated between the two historiographical periods' by identifying the fall of Kildare in 1534 as the 'end of one epoch and the opening "of an era of direct rule [i.e. from London] that was to last till 1921."'[61] These sorts of divisions in the secondary literature are symptomatic of the medieval/early-modern historiographical divide.

is suggestive of deeper links to Ireland than is sometimes assumed: On his death in 1546, he bequeathed two farms in Ireland to his wife, Anne. 'The Will of Robert Cowley (17 Aug. 1546)', TNA PROB 11/31/257, .

[61] T.W. Moody, F.X. Martin and F.J. Byrne (eds.), *NHI (1534-1691* (Oxford, 2008), vol. 3, p. xl; Christopher Maginn, 'Continuity and Change in Ireland: 1470-1550', in *CHI, 600-1550*, (ed.) Brendan Smith (Cambridge, 2018), vol. 1, pp. 300-28, p. 301.

Such divisions constitute one of the primary issues this thesis will seek to acknowledge and address.[62]

Substantial insight into the reform treatises and discourse of early Tudor Ireland has been provided in studies by Heffernan, but he focussed on treatises beyond 1537. Apart from Bradshaw, the only other recent study of some of the treatises before 1537 was undertaken by Maginn and Ellis in their *Discovery of Tudor Ireland*.[63] This thesis attempts to integrate their findings on treatises that fall into the period under investigation (1515-1537), while offering a focussed analyses of the numerous reform treatises that are not covered by them. Those sources included in their book which address matters of reform are briefly re-addressed in this thesis to provide valuable context while attempting to avoid unnecessary repetition. For example, Patrick Finglas' 'Breviat' underwent several recensions. The Hatfield version of the 'Breviat' ('Version 4') is a seventeenth-century copy, the text dating to 1536-7.[64] The main versions addressed in this thesis are the 1515 version ('Version 1'), while items added in successive recensions are considered where necessary, drawing upon Maginn and Ellis' transcription, available in their book. Brief but due consideration is given below in Chapter 4 to the 'Articles for the reformation of Ireland' and 'Revenues of Ireland', shorter policy papers, but not without value. Finally, a brief

[62] Steven Ellis has recently written of the perils of periodisation, particularly when considering short spans of time, and in relation to the history of the lordship. He has opted for a sensible, cautious approach: In considering an article by the Danish scholar, Harald Gustafsson, Ellis says he was struck by his comment that 'the modern unitary state did not "spring out of the collapse of a feudal system in the late Middle Ages," but rather that, between the feudal condominium and the modern unitary state, the early modern conglomerate state stood in an intermediate position.' The British case, Ellis' explains, is one that can benefit from these sorts of pan-European models of state-formation. The early modern multiple monarchy of England, Ireland, and Wales, he notes, contrasted significantly with its larger medieval kingdom that extended into France, with 'five or six separate blocs of territory separated by land or sea, and with many marches to patrol and defence.' The transition to the early modern 'conglomerate state' was part of the process of centralisation facilitated by Henry VIII and his chief ministers, but had likely begun around the end of the fifteenth century. Other key factors, he continues, were also at play, most notably: prevailing ideas of the Renaissance and humanism; expansion and colonisation; demographic growth; economic challenges, particularly inflation; and the Reformation. In the context of Ireland, while there are many differing opinions as to when the salient facets of a transformation from one era to another took place, the circumstances surrounding the Kildare rebellion in 1534, and the crown's responses, seem to fit best. This was paralleled in northern England too, which was similarly affected by rebellion, overmighty lords, and religious controversy. For Gustafsson's quote, see: Harald Gustafsson, 'The Conglomerate State: A Perspective on State Formation in Early Modern Europe', *Scandinavian Journal of History*, 22 (2002), pp. 189-213, p. 189; Ellis, 'Medieval or Early Modern', *Medieval or Early Modern: The Value of a Traditional Historical Division*, pp. 12-14.

[63] See above, pp. 16-19.

[64] Maginn and Ellis, *Tudor Discovery*, pp. 27-30, and 69-70 for their transcription; Patrick Finglas, 'A briefe note of the gettinge and decaye of Ireland', LPL Carew MS 635, fos. 185r-187v.

analysis of William Darcy's 'Articles' may also be found in their *Tudor Discovery*, although they declare that '[w]e need not take too seriously the more sweeping claims in Darcy's articles.'[65] The emphasis in this thesis will be to examine the various treatises without preference for particular elements, recognising their unique membership in a broader discourse of reform. Apart from these brief intersections with Maginn and Ellis' *Tudor Discovery*, this thesis focusses mainly on those treatises not included in the Hatfield Compendium or their book, and which have yet to be comprehensively addressed.

More focussed scrutiny of the early reform discourse has the potential to add new dimensions to the historical narratives of fifteenth and sixteenth-century Tudor England and Ireland. A critical assessment of treatises from the early half of the sixteenth century will have significant bearing on how the late-century reform discourse is interpreted, and how both contributed to the development of increasingly aggressive colonialist policies after the death of Henry VIII in 1547. Indeed, it will be found that the neglected writings on reform in the early Tudor period contributed to administrative developments that become particularly important in that broader, longer-term context.

Such an undertaking must necessarily take into account the crown's administrative responses, just as it must also take into consideration the English government's attempts to incorporate Ireland into a centralised and expanded Tudor state; the reactions of the government to calls for reform are, after all, the yardstick by which the overall effectiveness of reform can be judged. But these will be auxiliary to establishing from the discourse the key concerns of those groups and individuals seeking reform and drawing forth from the primary sources a continuous and coherent structure of discourse representative of a centuries-long dialogue.

Approach and Sources

It is evident that while some attempt has been made by scholars to acknowledge the existence, and to some degree the significance of early reform literature, it is nevertheless an attempt that

[65] Maginn and Ellis, p. 47.

has failed to give credence to the notion that they represent a dynamic and ongoing dialogue worthy of consideration in their own right.

This thesis will present a critical and detailed assessment of the discourse between the Anglo-Irish and the English crown in order to better understand calls for reform originating in the Pale. It will also consider the response of the crown and, in particular, the influence of Henry VIII directly on that dialogue.

While he did not discuss the influence of humanism, in 1913, W.F.T. Butler pointed out that while a

> war of extermination…found most favour in Government circles in Dublin…[t]he other plan, conquest by conciliation, was Henry's own. In all his dealings with the native Irish, that monarch acted in a spirit of moderation which is in striking contrast with the generally accepted view of his character.

He cited the 1536 Act of Union which brought Wales more directly into the English polity, and the 'singular inclination' of the crown 'to favour those Irishmen with whom they came in personal contact.'[66] Henry VIII, he declared, 'determined to do in Ireland what he had successfully done in Wales – namely, to unite settler and native in one commonwealth.'[67]

It is argued here that this disposition, perhaps shaped by, and possibly reflected in, the humanist and early commonwealth ideologies put forward in treatises like the 1515 'State of Ireland', which itself had deeper roots in the previous century, encouraged the programme of 'surrender and regrant' eventually adopted by Henry and overseen by Anthony St Leger, the lead commissioner sent to assess Ireland's governance in 1537, and eventual governor through most of the 1540s.

In pursuing this line of inquiry it is necessary to explore the correspondence, treatises, and their authorship in greater detail than hitherto has been the case, in order to assess whether the

[66] W.F.T. Butler, 'The Policy of Surrender and Regrant, Part 1', *The Journal of the Royal Society of Antiquaries of Ireland* (1913), pp. 47-65, pp. 58-9.
[67] W.F.T. Butler, *Confiscation in Irish History* (London, 1917), p. 9.

reform treatises and correspondence of early sixteenth century Tudor Ireland were a continuation of the discourse of the fifteenth century, how effective they might have been in securing a response from the crown, and how the Anglo-Irish and the native Irish reacted. Finally, how does the reform discourse of the fifteenth and early sixteenth centuries relate to the intensification of crown intervention in the later sixteenth century and the growth of English colonialist policy in general?

At the heart of this inquiry lies the familiar tension between change and continuity. In the secondary literature, as observed earlier in relation to Bradshaw's *Irish Constitutional Revolution*, perceptions of change have been supported at the expense of possible sources of continuity, and continuity at the expense of change. Accordingly, in addition to its primary focus on the reform literature of the early sixteenth century, this thesis will also consider some of the parliamentary grievances of the commons in the fourteenth and fifteenth centuries. This combined consideration, it is hoped, will give due recognition to longer-term concerns and attempt to span Maginn's historiographical divide. It will therefore focus on longstanding indelible issues which originated in the early centuries of Anglo-Norman occupation of Ireland and continued to receive expression well into the sixteenth century. Their evolution will be examined against the backdrop of contemporary political, social, and economic conditions, as well as in the context of reform and reform literature.

The latter distinction – between reform and reform literature – is a significant one. In the interests of exploring the broader nature and themes of reform, it is one that is here perhaps better left blurred. For if reform is regarded simply as the decision of the crown to intervene in its dominions and the resulting administrative actions taken, then little can be said about the dialogue or calls for reform emanating from the localities or from the metropole itself. Conversely, if only the dialogue is taken into account, any argument will be left open to criticism, just as Ellis criticised Bradshaw for ignoring important historical context in order to service his more immediate hypothesis. This thesis will be dependent on an approach that incorporates both in its own definition of reform. Reform, therefore, will be viewed as both the concrete enactments emanating from the crown and its representatives, as well as the more amorphous

dialogue that both may or may not have spurred reformist administrative acts. The inclusion of what people on both sides of the Irish Sea were saying or thinking about what should be done – as distinct from what was actually and eventually done – is the critical contribution this thesis will attempt to make.

Sources

Exacerbating the problem of periodisation is the variability in the kinds of documents available from one century to the next. Maginn and Ellis, for example, explain how 'the quantity of source material available to historians steadily increase,' and 'the nature of the evidence itself is transformed: chancery, parliamentary and exchequer rolls, inquisitions and treasurers' accounts…give way to what are broadly known as State Papers.'[68] The *State Papers*, G.R. Elton explains, are a broad set of documents from the archives of the secretaries of state which 'contain the correspondence of the chief executive minister of the crown and refer both to the internal government of the country and the conduct of foreign policy.' Their immense significance is owing in part to their variability, particularly insofar as they 'add the dimension of individual personality to our knowledge of English history.'[69] Most of these were composed in English, in contrast to the Latin and French documents prevalent in official sources in previous centuries.[70] They note too the proliferation of sources that overlap with the *State Papers*, including the *Calendar of Carew Manuscripts*, as well as the Irish patent rolls.[71] This all contributes to an investigative inertia tending to favour the more readily comprehended – because predominantly English – *State Papers*. However, there are numerous translations of fifteenth century materials available in the historical literature of the eighteenth and nineteenth centuries, and these will be liberally plumbed to restore some balance of representation to the sources.

[68] Maginn, 'Continuity and Change', *CHI, 600-1550*, vol. 1, p. 301.
[69] G.R. Elton, *England, 1200-1640* (London, 1969), pp. 66, 69.
[70] Maginn, 'Continuity and Change', *CHI, 600-1550*, vol. 1, p. 301.
[71] Conversely, Maginn points out the semblable effect of the conclusion of the Irish Records Commission's efforts to calendar the Exchequer Memoranda rolls, which end in 1509. Maginn, 'Continuity and Change', *CHI, 600-1550*, vol. 1, pp. 301-2, and n7 on p. 302.

Confounding the situation further, numerous source materials were destroyed in the 1922 Four Courts fire. During the Irish Civil War, the Four Courts in Dublin, home to the Public Records Office, was bombarded. Consumed in the ensuing fire were:

> testamentary records, deeds, patents, evidence of customs administration and taxation, church court records, sheriffs' returns, parliamentary papers, records of local assize courts, gaol delivery rolls, and…the records of the four central government courts of Exchequer, King's Bench, Common Pleas and Chancery.[72]

Together these issues have resulted in a relatively inconsistent historical record that invites the peril of drawing precarious assumptions rather than establishing a more factual foundation for further study. Of course, there is little that can remedy catastrophic historical accident, but the general parameters of reform discourse can be defined and limited so that the type of information being examined in the context of each century is of an equitable standard.

The letters of grievance composed by the commons in the parliament and great councils[73] of Ireland in the fifteenth century provide a degree of contiguity with those concerns expressed by members of the gentry in the treatises of the early sixteenth century. The efficacy of entreaties made in the fifteenth differed from those of the following century, but it is hoped that the contributions of both periods will facilitate a sense of a single discourse in spite of their differential effects.

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[72] Brian C. Donovan and David Edwards, *British Sources for Irish History, 1485-1641: A Guide to Manuscripts in Local, Regional, and Specialised Repositories in England, Scotland, and Wales* (Dublin, 1997), p. xi; Ada Kathleen Longfield, *Anglo-Irish Trade in the Sixteenth Century* (London, 1929), pp. 22-23.

[73] It is important to note the difficulties inherent in distinguishing between parliamentary assemblies, convocations of the great council, and an older form of 'afforced council'. The former two appear to have been comprised of more representative, elected elements, attended by the king's vice-regal authorities, as well as the nobles, gentry, and commons. Afforced councils, however, 'were less comprehensive or avoided elections on account of the urgency of the occasion and the brevity of the summons.' Moreover, they were summoned under the lieutenant's privy seal rather than the Irish great seal. In spite of their similarities to great councils, Richardson and Sayles still draw a distinction between them: 'despite the evolution of great councils which, in composition, organization, and function, resembled parliaments, the older type of afforced council still persisted, at least for certain limited purposes.' If it happened that there was a substantial representation of commons at either form of council, it was not unusual to 'expect some of the functions characteristic of parliament to be discharged.' H.G. Richardson and G.O. Sayles, *The Irish Parliament in the Middle Ages* (Philadelphia, 1964), pp. 160-1, 188; for the latter point see p. 105.

The reform literature of the fifteenth century, in the guise of parliamentary and conciliar letters of grievance, have been sourced from William Betham's 1834, *The Origin and History of the Constitution of England: And of the Early Parliaments of Ireland*; Henry Ellis' 1827, *Original Letters, Illustrative of English History: To 1795*; and Donough Bryan's 1933, *Gerald Fitzgerald: The Great Earl of Kildare (1456-1513)*. For the early sixteenth century, the most fruitful repository of evidence remains the *State Papers* held in the National Archives at Kew. The *State Papers* are comprised of a broad selection of correspondence, memoranda, policy proposals, and treatises. Many have been published in printed format, and in the case of supporting documentation, the printed versions will be liberally cited. Original manuscript copies, however, have been obtained for treatises of the early sixteenth century for which specific questions relating to dating and authorship have arisen, particularly for the several copies of the 'State of Ireland', which have been sourced from the archives at Trinity College in Dublin and the British Library. The *Calendar of Carew Manuscripts* is also a valuable printed source, from which William Darcy's short reform tract has been drawn, as well as numerous other supporting documents and letters. Other significant materials are available in the affiliated *Book of Howth*. The many versions of Patrick Finglas' 'Breviat' – one of which, dating to 1515, has been printed in the *Calendar of Carew Manuscripts* – have recently received significant attention from Christopher Maginn and Steven Ellis, who discuss the problems of the 1515 publication and provide a transcript of its later recension in their *Tudor Discovery of Ireland*. Other significant treatises, some of which are provided as abstracts in the *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII*, have been sourced in full, in manuscript form, from the British Library.

The treatises examined in this thesis are all drawn from between the years 1515 and 1537. Naturally, treatises on the margins of those dates will also be referred to, but the purpose here is to retain focus on a defined set. This, it is hoped, will better facilitate an analysis and understanding of them based upon their details rather than just a general sense of their meaning which, as Edwards and O'Dowd note, can sometimes too easily be subordinated to the service of what are regarded in the moment as, perhaps, more interesting arguments or discussions.

Chapter Summaries

This thesis will take a broadly chronological approach, although certain key issues will reappear from time to time. Each chapter will summarise the historical events of the period and provide an analysis of the discourse during that period.

Chapter 1 sets out very brief description of the political and administrative structure of the English lordship *c*. 1500, and the problems faced by the crown in its management of Ireland.

Chapter 2 will assess treatises from 1515, including William Darcy's 'Decay of Ireland', and Patrick Finglas' 'A briefe note of the gettinge and decaye of Ireland'. These are the first to seek a direct line of communication with the crown, and outside of parliament, in order to address matters of reform in the lordship. They offer structural points of contact with the preceding century but anticipate a burgeoning and intensifying desire for reform amongst the gentry of the Pale.

Chapter 3 will be dedicated to a detailed analysis of the 1515 'State of Ireland', which is a unique treatise, both in length and approach, and which has traditionally been regarded by some as a watershed document. It will be shown that this treatise suggests significant and important links to fifteenth-century ideological developments.

Chapter 4 follows the correspondence between Henry VIII and his newly appointed lieutenant in Ireland, the Earl of Surrey, between 1520 and 1522, showing the development of the crown's reform policies in the wake of the 1515 treatises. This chapter contrasts Henry's conciliatory approach with Surrey's more militaristic position which foreshadowed the colonialist policy proposals of officials in the 1530s.

Chapter 5 continues to look at crown policy through the 1520s in the context of the conflict between the great Anglo-Irish magnates – the earls of Ormond and Kildare – and its affect on the crown's approach to governance in the lordship and its relationship with the Dublin administration. Included in this chapter is an examination of the policy paper from 1522, 'Articles to be showed unto the King's most noble Grace...', and the much longer, 'A discourse of the cause of the evell state of Ireland' (*c*. 1524-8).

Chapter 6 addresses 1528 to 1533, a period characterised by declining relations between Kildare and the crown at a time when political circumstances in London were rapidly changing in light of Henry's pursuit of his divorce, the fall of Wolsey, the rise of Cromwell, and the beginning of the Reformation in England. It will also examine and analyse the 1532 treatise of Robert Cowley, 'A complete resume of the state of Ireland' in the context of those dramatic developments.

Chapter 7 will assess two anonymous treatises from 1533-4, the 'Causes of the mysordre and debate in Irlande' and the 'Artecleis and Instructions'. It will also examine the crown's response to calls for reform in its 1534 'Ordinances for the Government of Ireland', the first printed policy paper issued by the crown in relation to Ireland in the wake of the Kildare rebellion.

Chapter 8 looks at the period from 1534 to 1538, recounting some of the key events of the Kildare rebellion whose consequences were dealt with in the first Irish reform parliament in 1536-7. The chapter will then review submissions received by the crown commission soliciting input from Dublin officials and other interested parties relating to the reform of the lordship, including: John Alen's 'To…the Kinges Commiyssioners in Ireland', Bishop Staples' 'A certen Information for…[the] honourable Commyssioners', Robert Cowley's 'To My Lord and Maister, my Lorde Prive Seale', Leonard Grey's 'The Lorde Deputes Boke', and Thomas Luttrell's 'The Justice Luttrell's Booke'.

The thesis will conclude with a brief look at the significance of the treatises of the period insofar as they relate to the 1541 Act for Kingly Title and the associated programme of surrender and regrant that guided royal policy in Ireland for much of the 1540s. The conciliatory stance favoured by Henry VIII, his death, and the ultimate failure of those policies were intricately linked to the evolution of reform discourse in the early sixteenth century.

Chapter 1 – Ireland *c.* 1500

Introduction: Political Geography and Administrative Structures

To better understand the temporal and ideological context of early Tudor reform treatises relating to Ireland, it will be of some assistance to provide a very brief description of the political and administrative structure of the English lordship there, before moving on to outline England's political interests, how those interests were managed, the problems faced by the crown in the Irish context, and the remedies it pursued.

Broadly speaking, the native Irish moved to regions west of the Pale following the twelfth-century Anglo-Norman conquest. For their part, the Anglo-Normans,[1] thereafter situated primarily in the east, generally preferred to exploit the lowlands they came to inhabit through tillage and cultivation. By 1500, Ireland remained politically and geographically divided.[2] The primary region of English influence lay in the east, in the region around Dublin known initially as the 'maghery' or 'land of peace', and later as the Pale.[3] But the lordship, or area under nominal English control, was not confined to that area; several towns acted as focal points for English commerce and political authority throughout the island, notably Galway and Limerick in the west, Waterford and

[1] These colonists will be referred to as 'Anglo-Irish' when referring to inhabitants of the colony after *c.* 1200, reflecting their sustained settlement and inhabitation of the land, as well as their ongoing cultural interaction with the native Irish and adoption of native Irish practices.

[2] The most useful overall map for the period remains that found in: A.W. Ward, G.W. Prothero, and Stanley Leathes (eds.), *The Cambridge Modern History Atlas (Cambridge, 1912),* Map 27: 'Ireland at the Beginning of the XVIth Century'. An online version can be found at: https://legacy.lib.utexas.edu/maps/historical/ward_1912/ireland_16_century.jpg.

[3] Dublin, Louth, Meath, and Kildare were also regularly referenced as the four (or, more rarely, five) 'obedient shires'. Ellis notes that 'by 1428 the region had been vaguely divided into an inner "land of peace", called "Maghery", and the marches beyond.' The first use of the term 'Pale' was in 1494, referring rather to the 'Calais Pale'. Edward Poynings' had been deputy there and appears to have brought the term to Ireland when appointed governor of the lordship in 1494. Ellis interprets its application in the Irish context as 'a confident assertion of the region's Englishness by experienced Tudor officials and a recognition of 25 years of English recovery.' Steven G. Ellis, *Ireland in the Age of the Tudors, 1447-1603: English Expansion and the End of Gaelic Rule* (Hoboken, 1998), pp. 71, 74. In terms of Ellis' position that the period represented one of recovery, *cf*. the description of Quinn and Nicholls, who assert that '[t]he state of Ireland in the early sixteenth century was not a happy one…It would appear that from at least 1500 onwards there was a growing violence, a spreading anarchy in Irish society, with signs in a number of areas of an increasing and general economic breakdown. Lands appear to have been falling increasingly into waste; it is probable that the population was declining; and the amount and intensity of local war appear to have been steadily increasing.' D.B. Quinn and Kenneth Nicholls, 'Ireland in 1534', in *NHI (1534-1691)*, (eds.) T.W. Moody, F.X. Martin, and F.J. Byrne (Oxford, 2012), vol. 3, pp. 1-38, p. 4.

Wexford in the south, and Carrickfergus in the north. Irish families like the O'Tooles, O'Byrnes, and McMurrough-Kavanaghs dominated the mountainous areas of Leinster directly south of Dublin, and the O'Neills and O'Donnells in the north; while the O'Connors and O'Mores were a significant presence in the midlands to the west of the Pale.

Anglo-Irish areas were generally defined by sedentary modes of settlement based on tillage, featuring permanent nucleated villages or manorial settlements incorporating fortifications such as mottes, moated houses, and, by the fourteenth century, stone castles, whose importance persisted into the 1500s.[4] Land tenure and rules of inheritance were based on English common law and primogeniture, and there are significant parallels with other of the crown's peripheral dominions like Wales and the northern borders with Scotland.[5]

By contrast, native Irish modes of settlement were based primarily on pastoralism and traditional practices of animal husbandry throughout the late medieval and early modern periods, resulting in scattered and somewhat transient settlement patterns and insubstantial dwellings.[6] The Irish

[4] By the middle of the fifteenth century, tower houses were an important ward on the borders of the Pale. These were 'towers about 40ft high whose role was to give warning of the enemy's approach and later to act as a strongpoint barring his retreat.' Dykes were another defensive feature intended to act as an impediment to Irish raids seeking to abscond with Anglo-Irish cattle. Ellis, *Ireland in the Age of the Tudors*, p. 71.

[5] For the nature of English settlements, see: R.E. Glasscock, 'Land and People, *c*. 1300', in *NHI (1169-1534)*, (ed.) Art Cosgrove (Oxford, 2008), vol. 2, pp. 205-39, pp. 214-23; Quinn and Nicholls, 'Ireland in 1534', *NHI (1534-1691)*, vol. 3, p. 33. Richardson and Sayles observe that 'we shall do well to remember that the system of English common law was adopted in Ireland and that, though we must expect a time-lag and the adaptation, as well as the direct reception, of English institutions, the general features of Irish administration will recall those of English administration.' Richardson and Sayles, *The Irish Parliament in the Middle Ages*, p. 7. The causes of some variation, they point out, occurred during the reigns of Richard II, Henry IV, and Henry V, for which see p. 145.

[6] Nicholls notes that the agglomeration of native Irish dwellings 'were rare and for the most part confined to ecclesiastical centres,' such as Kildare, Clonard, Armagh, Clonfert, and Clogher. Kenneth Nicholls, 'Gaelic Society and Economy', in *NHI (1169-1534)*, (ed.) Art Cosgrove (Oxford, 2008), vol. 2, pp. 397-438, pp. 397-9, 403. Richard Hugh Britnell, *Britain and Ireland 1050-1530: Economy and Society* (New York, 2004), pp. 8-10. By the middle of the sixteenth century, some marcher regions like Offaly, towards the midlands, east of Dublin, were well on their way to being cultivated as arable land. A survey, undertaken in 1550, of eight townships measuring around 14,400 acres of land shows each to possess two to three times more land under tillage than that given over to pasture. 14,400 acres was probably an underestimate owing to the early nature of the survey. It is uncertain whether English statute miles were used, which would increase the reported breadth of the survey area from 3 to 20 miles. And it is possible that the 'native jurors' involved in the survey '"concealed" the full extent of their country in order to save as much as possible for the native owners.' It is also unclear to what extent inaccessible lands like bogs and woods were underestimated. Statistics have been compiled using Curtis' transcription of Walter Cowley's 1550 'Survey of Offaly': 'The extent and survey of the lordshyp and domynion of Offialy with other the possessions and hereditaments late perteyning to Brene O'Connor. (10 Nov. 1550)', TNA SP 61/2, fos. 163r-188v; Edmund Curtis

relationship with land and its deposition was traditionally determined by the laws of the brehons, *breitheamh*, or Irish jurists.[7] Inheritance practices followed a partible model similar to *gavelkind*, whereby – unlike the English system of primogeniture which tended to keep holdings together – land was periodically divided and redistributed amongst the members of the family group or sept.[8]

English and Irish ethnic groups, however, were far from segregated. Zones of interaction existed around the borders or 'marches' of the Pale and other areas surrounding Anglo-Irish settlements. Ports, havens, as well as towns and their hinterlands – where inland trade took place – were important areas of economic and cultural interaction between the native Irish, Anglo-Irish, and continental merchants and fishermen.[9] Significant intercourse also took place in a legal framework, sometimes guided by common law, sometimes by brehon law, or a mixture of the two termed 'march law', a hybrid system that posed persistent jurisdictional problems for crown administrators into the sixteenth century.[10] Other problems that arose due to cultural

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and Walter Cowley, 'The Survey of Offaly in 1550', *Hermathena*, 20, 45 (1930), pp. 312-52, p. 314; Montaño, *Roots of English Colonialism*, pp. 13-14.

[7] The first formalised law texts are known from the eighth and ninth centuries and are compiled in the *Senchas Már*. Their *dicta*, however, were not uniformly applied, likely owing to the fragmentary nature of the Irish polity and the lack of any centralised administration. Brehons were appointed locally by each chief, drawn from a hereditary lineage of brehons or from within ecclesiastical circles. After the Anglo-Norman conquest and subsequent influx of colonists, English administrators appear to have had little objection to the use of brehon law outside the colony's boundaries, an arrangement that may have been facilitated by a tendency of the brehons to address particularities rather than develop general principles; the triviality of many cases recorded in the *Senchas Már* suggests that they were 'merely illustrative examples,' and the lack of a centralised government to enforce its findings likely prevented decisions from gaining wider traction among the Gaelic lordships. William Ernest Montgomery, *The History of Land Tenure in Ireland* (Cambridge, 1889), pp. 20, 23.

[8] Kenneth Nicholls, *Gaelic and Gaelicised Ireland in the Middle Ages* (Dublin, 1972), p. 59; K.W. Nicholls, 'Some Documents on Irish Law and Custom in the Sixteenth Century', *Analecta Hibernica*, 26 (1970), pp. 105-29, pp. 106-8; Montgomery, *The History of Land Tenure in Ireland*, pp. 4-6. Montaño observes that the effect of native Irish modes of land redistribution tended to discourage long-term agricultural or structural improvement. Montaño, *Roots of English Colonialism*, p. 14. There is, however, early evidence suggesting that substantial numbers of native Irish families were open to the idea of adopting English laws, although by the sixteenth century, owing to crown neglect and demographic change, the pattern was generally in the opposite direction. A.J. Otway-Ruthven, 'The Request of the Irish for English Law, 1277–80', *Irish Historical Studies*, 6, 24 (1949), pp. 261-70, p. 262. Some concentration of land – running counter to the current of division that characterises the practice – could occur if the chief made the division and had first choice at it. Quinn and Nicholls, 'Ireland in 1534', *NHI (1534-1691)*, vol. 3, pp. 34-5.

[9] Raymond Gillespie, *The Transformation of the Irish Economy, 1550-1700* (Ireland, 1991), pp. 24-5.

[10] Ellis, *Ireland in the Age of the Tudors*, p. 46; James Lydon, 'The Problem of the Frontier in Medieval Ireland', *Topic: A Journal of the Liberal Arts*, 13 (1967), pp. 5-22, p. 19. Patterson observes that the statutes of Kilkenny of 1366 'prohibited acceptance of *éraic* by the king's subjects in Ireland, but they were widely ignored.' By the

hybridisation included a burgeoning native Irish tenancy in Anglo-Irish regions, including the Pale, and a simultaneous decrease in Anglo-Irish population. Altogether, three hundred years of cultural admixture generated a suite of issues that came to figure prominently in the reform literature of early Tudor Ireland.[11]

The king's authority in the lordship was delegated to a governor. In the twelfth century, Henry II had plans to reconstitute lands conquered in Ireland into a kingdom as a 'separate realm under its own King John [his son], within the Angevin "empire" of federated statelets.' Dynastic circumstances and events on the continent, however, dictated a different outcome: Henry's son, John – made Lord of Ireland in 1177 – remained Lord, and Ireland a lordship until made a kingdom in 1541 under Henry VIII.[12] In the twelfth century, royal authority was instead delegated to a 'justiciar'. By the late fourteenth century, the position of lieutenant had superseded it, but even that office's authority was often conferred on a subordinate. By the fifteenth and sixteenth centuries the king regularly appointed an Anglo-Irish magnate – usually a Butler or Fitzgerald – as his vice-regal authority or 'deputy', who held effective control under the lieutenant and whose powers were wide ranging.[13] He was assisted, if not always guided, by a Dublin-based council modelled on the king's council in England. It included important figures like the chancellor,

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sixteenth century, 'members of some of the great brehon families served as advisers and judges not only to Gaelic kings and chiefs, but also to Anglo-Irish lords.' The latter, notably, included the earls of Kildare. The ninth earl's practice of using '"two lawes, or p[ri]nces lawes and brehens lawes"' was complained of by Waterford merchant, David Sutton in his presentments to a Crown commission in 1537-8. Nerys Patterson, 'Gaelic law and the Tudor Conquest of Ireland: The Social Background of the Sixteenth-Century Recensions of the Pseudo-Historical Prologue to the *Senchas Már*', *Irish Historical Studies*, 27, 107 (1991), pp. 193-215, p. 200; Herbert J. Hore and James Graves (eds.), *The Social State of the Southern and Eastern Counties of Ireland in the Sixteenth Century* (Dublin, 1870), p. 162.

[11] The extent of an Anglo-Irish settlement in County Kildare in 1304, for example, 'indicates that there were approximately 191 tenants of Gaelic descent…and 111 Gaelic Irish,' although the entire settlement had a likely population of over 1,000. Glasscock, 'Land and People, *c.* 1300', *NHI (1169-1534)*, vol. 2, p. 222; Quinn and Nicholls, 'Ireland in 1534', *NHI (1534-1691)*, vol. 3, p. 33. On the decreasing population of the colonists at the end of the fourteenth century, see: Lydon, 'Problem of the Frontier', p. 15. He notes a proposal made by the Earl of Surrey in 1398, which instructed that, as Lieutenant in Ireland, 'he should have out of every parish, or every two parishes, in England a man and his wife for Ireland "to inhabit the said land where it is wasted on the marches."' Notably, it was bruited again the early sixteenth century. Quotation in Lydon taken from: John Thomas Gilbert, *History of the Viceroys of Ireland: With Notices of the Castle of Dublin and its Chief Occupants in Former Times* (Dublin, 1865), pp. 560-1.

[12] F.X. Martin, 'Overlord Becomes Feudal Lord, 1172-85', in *NHI (1169-1534)*, (ed.) Art Cosgrove (Oxford, 2008), vol. 2, pp. 98-126, pp. 112, 126; James G. Butler (ed.), *The Statutes at Large Passed in the Parliaments Held in Ireland (1310-1786)* (Dublin, 1786), p. 176.

[13] A.J. Otway-Ruthven, *A History of Medieval Ireland* (New York, 1993), pp. 143-48.

treasurer (or vice-treasurer), and barons of the exchequer; chief justices; notable ecclesiastics like the Archbishops of Armagh and Dublin, and the Prior of Kilmainham; with other lay and ecclesiastics performing clerical functions.[14] The other major administrative feature of the lordship was the Irish parliament, first known to have been constituted in 1264, and whose development generally paralleled that of the English parliament.[15]

Problems

The administrative pillars of the lordship would see themselves confronted with recurring issues throughout late medieval and early modern English colonisation in Ireland. Of these, three will here be examined in more detail. Very generally, the first had to do with the basis of English claims to Ireland, the second with problems arising from cultural differences and the adoption of native practices by the Anglo-Irish, and the third with how royal power was represented and employed in the Irish context.

Claims and Legitimacy

Practically speaking, claims to title needed to be backed by physical occupation, use, and defensibility. It was a reality that held for both native and Anglo-Irish but was made difficult for each owing to different reasons. The impermanent, mobile nature of native Irish society rendered land ownership less important than it was to the Anglo-Irish. The priority for the Irish was to defend moveable property – their cattle; land-use and occupation was in many ways incidental.[16] The Anglo-Irish, on the other hand, subscribed to ideas of land ownership based on civil and common law, and put greater emphasis on the value of defending the land they had acquired. Yet to successfully do so they had to contend with issues of supply and military funding

[14] Otway-Ruthven, *A History of Medieval Ireland*, pp. 148-51; Ellis, *Tudor Ireland*, pp. 331-7.
[15] Richardson and Sayles, *The Irish Parliament in the Middle Ages*, p. 58.
[16] While cattle formed a staple of the native Irish diet, it also comprised the preponderance of elite wealth. Indeed, cattle was often used in lieu of money as a means of exchange, paying fines, supplying rent, as well as in marriage negotiations. As late as 1586, the deputy, John Perrot, desiring to bring to London a party of Irish earls and chiefs, requested a loan to defray the costs of their sojourn, for they 'most of them be lords of Cattle, but not of muche money.' Charles McNeill, 'The Perrot Papers', *Analecta Hibernica*, 12 (1943), pp. 1-65, p. 52; S.J. Connolly, *Contested Island: Ireland 1460-1630* (New York, 2007), p. 280.

that were exacerbated by the distance between Dublin and London, and the obstacles to communication that posed.

English understandings of land and legitimacy faced new challenges in the wake of New World discoveries. Colonial historian, Ken MacMillan, observes that, Spain and Portugal, as the first Europeans to enter the New World in great numbers, 'established their legal claim to territory through a "preemptive" code"' owing to their having been the "first discoverers".' By contrast, '[t]he northern powers of England, France, and the Netherlands turned to an entirely distinct "dominative" code,' one that 'disavowed the efficacy of preemptive precedents, and authorized colonists to travel to the New World and occupy the territory in defence of an invading force,' through armed force, if necessary. What offered a more complete argument for legitimacy was their emphasis on 'the importance of actual, physical occupation of *terra nullius*,' not just the fact of having been first 'discoverers'. English common law – notably its formulations relating to property – provided an argument from tradition, and 'enabled them to employ a recognized (though domestic) legal system while establishing *dominium*, but also provided reinforcement for the natural law *res nullius* argument, which was used to challenge the lack of cultivation undertaken by the native peoples.'[17] This had been the justification put forth in More's 1516 *Utopia*, whose citizens, facing over-population, moved to new regions inhabited by a native population who did not practice tillage. The latter might then be driven out if they sought to resist the new-comers. It was an old justification based on Roman law, and its revival in the context of early sixteenth-century English colonialism did not immediately take hold. But it was one for which the foundations had long been present, and would become advocated with increasing stridence as new, English officials came to dominate the lordship's administration beginning in the 1530s.[18] In the meantime, however, the Irish lordship provided a fertile arena in which

[17] The concept of *res nullius* was drawn generally from Roman law and meant that 'unoccupied and uncultivated territories…become the possession of the first person to discover them and put them to productive use, usually through cultivation.' Ken MacMillan, *Sovereignty and Possession in the English New World: The Legal Foundations of Empire, 1576-1640* (Cambridge, 2006), pp. 9, 11-12.

[18] 'They think it is perfectly justifiable to make war on people who leave their land idle and waste yet forbid the use and possession of it to others who, by the law of nature, ought to be supported from it.' Thomas More, *Utopia (1516)* (Cambridge, 2003), p. 54; Watson, 'To Plant and Improve: Justifying the Consolidation of Tudor and Stuart Rule in Ireland, 1509-1625', p. 46; Montaño, *Roots of English Colonialism*, p. 70.

revivified concepts of claim and legitimacy could be discussed and redefined in relation to competing ideas of conquest.

Claims to title by conquest, coercion, and violence had been common throughout the late medieval period and persisted into the early modern era. Legitimacy by way of conquest had been put forth by Geoffrey of Monmouth and re-iterated in the Irish context by Gerald of Wales shortly after the twelfth-century invasion. In the centuries since the conquest, however, administrative and juristic attitudes towards titular claims and legitimacy had changed, and 'the idea that conquest could establish a just title was one that grated against other ideas of power, notably that empires being founded upon force were illegitimate.'[19] Anthony Pagden, writing about early English interventions in North America, observes that: '[a]rgument from conquest…was unlikely to have much force in a political culture such as Britain which, because it had itself been the creation of the Norman Conquest of 1066, was committed to the "continuity theory" of constitutional law in which the legal and political institutions of the conquered are deemed to survive a conquest.'[20] Not insignificantly, in 1519, Cortés described his army as one of 'settlers and conquerors' who 'thought of themselves as warriors, men whose right to settle, and to manage their own affairs, derived, as had the right of men like El Cid, from their success in arms.'[21] While the English model of colonisation was at odds with the Spanish one, they were nevertheless developing in a shared context where interests and justifications were sure to clash, but where elements of one might be borrowed to refine the other.

But in the early decades of the sixteenth century, the exploration of these ideas was just beginning. English conceptualisations of colonisation were evolving and seeping into notions of reform as the inhabitants of the lordship and the crown sought new ways to grapple with a variety of administrative and social problems fuelled by interaction with a native Irish 'other'. By the early sixteenth century 'rule by the sword' had long been regarded as a morally and politically

[19] Crooks, 'Structure of Politics', *CHI, 600-1550*, vol. 1, pp. 462-464.
[20] Anthony Pagden, *Lords of All the World: Ideologies of Empire in Spain, Britain and France, c. 1500-c. 1800* (New Haven & London, 1995), pp. 76-7.
[21] Pagden, *Lords of All the World*, pp. 92-3.

questionable means of asserting title; it was increasingly preferred to find means of legitimation that did not rely solely on conquest.

Success in arms had helped to advance Henry IV's claim to kingship in the early fifteenth century, as well as Henry VII's reclamation of the throne from the Yorkists in 1485.[22] Differing from claims by right of conquest, however, it was nevertheless recognised that there had to be a further basis for royal authority; success in battle only confirmed the righteousness of their claims – it did not establish their legitimacy. Henry VII's initial claims were broadly based on the idea of '*verum Dei judicium*' or 'the proof of God's will, expressed in his victory' at Bosworth; significantly, however, he made that assertion – what Elton calls a 'Tudor kind of divine right' – in addressing the source of his primary support: the commons in parliament. A further buttress to his claim was eventually secured with his marriage to Elizabeth of York in 1486.[23] Success in arms, although invariably important, required complementary backing; claims to authority had, for example, to appeal to some degree of popular and elite support, and preferably – in the English context – receive the sanction of parliament.

At the time of the conquest of Ireland in the twelfth century, such considerations, however muted, were nevertheless extant; their existence provided means for later English monarchs to present more nuanced foundations for their claims in the ideological and political milieu of the early sixteenth century. As Crook observes, in Ireland as early as the late thirteenth century, '[t]he central concern was to airbrush out of history the military conquest of Ireland,' favouring instead

[22] Elton points out that even Henry the IV in 1406 'had the succession after him registered in parliament,' but nevertheless contends that Henry VII 'made sure that his title should not rest on parliament,' leaning more on the vagaries of legal theory than parliamentary practicality. Elton, *England Under the Tudors*, pp. 20-1. And Chrimes observes that Henry IV's need to manoeuvre around the 'dubiousness of precisely what constituted a lawful claim to the crown…obliged him to pay deference to all the notions which from time immemorial had with varying emphasis been associated with royal succession. Invoking the Holy Trinity, he claimed the realm, the crown, and all the members and appurtenances thereof, by right of descent of the true line, by the right and/or duty of removing a lawless monarch which he implied by a vague allusion to the misgovernance of his predecessor.' S.B. Chrimes, *English Constitutional Ideas in the Fifteenth Century* (Cambridge, 1936), p. 23.

[23] Elton, *England Under the Tudors*, pp. 19-20; S.B. Chrimes, *Henry VII* (New Haven and London, 1999), pp. 61-2, 65-6.

claims by donation of the pope (*Laudabiliter*),[24] marriage and inheritance,[25] and the voluntary submission of the Irish chiefs to King Arthur, of English foundational myth, and – in fact – to Henry II.[26] In the following century, for example, the Anglo-Irish clerk, James Yonge, took pains to emphasise the peaceful process of acquisition undertaken by Henry II in a book dedicated to James Butler, the fourth Earl of Ormond.[27]

By the sixteenth century, then, the idea and importance of English legitimacy in Ireland, though not always immediately apparent, was embedded in reform discourse. Close examination of the literature reveals emerging terminologies employed by several authors. Concern for English legitimacy can be found inhering in discussions of the types of reformation recommended to the crown, notably those embracing a 'particular' or a 'general' reformation. The 'State of Ireland', for example, which will be examined in detail in Chapter 3, was to condemn the path English administration in Ireland had taken, both through the adoption of extortionate native Irish customs of tribute, as well as through the negligence of the crown. Under existing circumstances, it was argued, English claims to title in Ireland could never be legally pursued and proven; even in those few areas still under effective English control, they were indefensible because, in the humanist ideological milieu that the author was writing in, extortion and corruption amongst the nobility and clergy were tantamount to that great enemy of Renaissance humanism – tyranny.

The solution conceived by early Tudor reform thinkers lay either, on the one hand, in a 'particular reformation', which more or less confirmed the colony's retrenchment and sought only to shore

[24] Anglo-Norman intervention in Ireland had in 1155 been sanctioned by Pope Adrian IV in the bull *Laudabiliter* as a means of advancing Gregorian reforms initiated a century earlier. Although Henry did not immediately act on the endorsement, by 1171 he was prepared to use it as a pretence for overseeing the activities of Strongbow and his kinsmen in Ireland. Nevertheless, with the support of the new pope, Alexander III, who was horrified at the abuses reported to him by the archbishops of Ireland, he was able to garner the support of the Irish clergy. The backing of the Irish *ecclesia* may also have gone some distance in convincing some of the Gaelic rulers, notably McCarthy and O'Brien, that it would be wiser to submit to Henry's overlordship than resist and face the possibility of a larger-scale invasion. Robin Frame, *Colonial Ireland, 1169-1369* (Dublin, 2012), pp. 21-2.

[25] F.X. Martin, 'Diarmait Mac Murchada and the Coming of the Anglo-Normans', in *NHI (1169-1534)*, (ed.) Art Cosgrove (Oxford, 2008), vol. 2, pp. 43-66, p. 65; Martin, 'Allies and an overlord', *NHI (1169-1534)*, vol. 2, pp. 75-6. Martin observes that Richard de Clare's, or Strongbow's, marriage to the daughter of McMurrough posed a threat to Henry II owing to McMurrough's agreement to reward Strongbow's intervention in Ireland on his behalf with a grant of Leinster upon his death. Thus began a practice in Ireland of playing one magnate off against another to ensure a balance of power favourable to the crown. Martin, 'Allies and an overlord', *NHI (1169-1534)*, vol. 2, p. 96.

[26] Martin, 'Allies and an overlord', *NHI (1169-1534)*, vol. 2, p. 88.

[27] Crooks, 'Structure of Politics', *CHI, 600-1550*, vol. 1, pp. 463-4.

up English authority where it would be reasonably easy and economical to do so. Other writers, on the other hand, advocated a 'general reformation', which repudiated retrenchment, and sought to re-assert those English territorial claims over the whole of Ireland dating back to the first conquest.

For some of the sixteenth-century reformers, attempting anything less than a general reformation, or complete re-conquest, would damage English claims altogether: a particular reformation or partial conquest could obviate or entirely negate historical, plenary claims to the entire island. For them, partial claims to Ireland implied that English *dominium* or lordship and title was contingent, accidental, subject to circumstances dictated by an outside authority or authorities, and therefore contrary to any legitimate assertion of *imperium* or absolute sovereignty. To a great extent, then, one of the primary problems of Ireland was rooted in the crown's longstanding inability to settle on an interpretation of its own claims. However, to those like the author of the 'State of Ireland', for example, who were seeking a solution in the context of early sixteenth-century English humanism, the matter could be definitively settled and an even firmer basis of claim established if the king were to mobilise his commons, leveraging those notions of the commonweal that had evolved in the fifteenth century, and were further developed by reform writers in the early decades of the sixteenth century.

Gaelic Influence

Cultural admixture was one of the most enduring problems the English faced in the lordship. Ambivalence was apparent even in the twelfth century shortly after English colonisation began.[28] Cultural conflict was likely exacerbated by catastrophic demographic changes in the wake of early fourteenth-century famine and war, followed at mid-century by the Black Death.[29] The effects of

[28] Ambivalence is evident in the observations of William of Malmesbury (*d*. 1142), who in stark contrast to Gerald of Wales complained of the infertility of the land and lack of self-sufficiency of its inhabitants even while praising Irish innocence and learning. Frame, *Colonial Ireland*, p. 4. Historian R.R. Davies argues that Malmesbury, like Gerald, saw that a 'cultural divide within the British Isles [was becoming] increasingly obvious and virtually unbridgeable,' with 'no prospect of any real political union.' R.R. Davies, *The First English Empire: Power and Identities in the British Isles, 1093-1343* (Oxford, 2000), pp. 118-9. It is, of course, an inference that is difficult to prove, but the evidence shows that it was a sentiment that lingered through the following centuries.
[29] Famine struck in Ireland at the same time as Edward Bruce invaded (*c*. 1315-1318). Frame, *Colonial Ireland*, pp. 131-4.

the latter in particular struck the denser, nucleated settlements of the English much harder than the thinner, more fragmented settlements of the native Irish.[30] Administrators in the shrinking lordship sought cultural retrenchment by way of parliamentary statute. Prohibitions against marriage, fosterage and gossiprid, for example, are recorded in 1351, and again in 1366 in the Statutes of Kilkenny.[31] The 1366 provisions were reaffirmed in every parliament held in Ireland until 1452 and continued to be acknowledged in parliaments as late as 1537.[32]

Fosterage or alterage was a custom whereby 'persons of importance would commit the upbringing of their children to others…[It] was of considerable political importance, for the person so fostered could count on the adherence of his foster-family throughout life.'[33] Gossiprid was 'essentially a pledge of fraternal association between a lord who thereby gained service, and his client who received protection, patronage and, again, preferential treatment of his suits in court.' Together, however, their effect in the English colony was to elevate a subject's loyalty to their lord over that owed to the crown.[34] In 1495, in an attempt to deal with these concerns, the lords and commons passed an 'Act for the Confirmation of the Statutes of Kilkenny' and an 'Act

[30] Otway-Ruthven, *A History of Medieval Ireland*, pp. 267-70. For an examination of contemporary sources including those of Friar Clyn of Kilkenny, and Richard FitzRalph, Archbishop of Armagh, see: Aubrey Gwynn, 'The Black Death in Ireland', *Studies: An Irish Quarterly Review* (1935), pp. 25-42, *passim*.

[31] 'A Statute of the fortieth Year of Edward III., enacted in a Parliament held in Kilkenny, A.D. 1367, before Lionel Duke of Clarence, Lord Lieutenant of Ireland', in *Tracts Relating to Ireland*, (ed.) James Hardiman (Dublin, 1367), vol. 2., Cap. 2, p. 9. (Hereafter shortened to 'Statutes of Kilkenny'). Watt categorises the statutes into five general divisions. The first dealt with order and administration; the second with the influence of Irish customs on English society in the lordship; the third with issues concerning the relationship between secular and spiritual jurisdictions; the fourth, economic and labour matters; and the fifth with the enforcement of laws resulting from the consideration of the preceding. J.A. Watt, *The Church and the Two Nations in Medieval Ireland* (Cambridge, 1970), pp. 199-201. For a general survey of the Statutes, see: Geoffrey J. Hand, 'The Forgotten Statutes of Kilkenny: A Brief Survey', *Irish Jurist*, 1, 2 (1966), pp. 299-312.

[32] Butler (ed.), *The Statutes at Large Passed in the Parliaments Held in Ireland (1310-1786)*, Cap. 28, p. 3; Philomena Connolly (ed.), *Statute Rolls of the Irish Parliament, Richard III-Henry VIII* (Dublin, 2002), 28-29 Henry VIII, Cap. 22, pp. 217-220.

[33] Nicholls, *Gaelicised Ireland*, p. 79. Sir John Davies, writing in the early seventeenth century, described its effects: 'fostering hath always been a stronger alliance than blood, and the foster-children do love and are beloved of their foster-fathers and their sept more than of their own natural parents and kindred, and so participate of their means more frankly, and do adhere unto them in all fortunes with more affection and constancy.' John Davies, 'A Discovery of the True Causes Why Ireland Was Never Entirely Subdued', in *Ireland Under Elizabeth and James the First*, (ed.) Henry Morley (London, 1890), pp. 213-342, p. 296.

[34] Fiona Fitzsimons, 'Fosterage and Gossiprid in Late Medieval Ireland: Some New Evidence', in *Gaelic Ireland, c. 1250-c. 1650*, (eds.) Patrick J. Duffy, David Edwards, and Elizabeth FitzPatrick (Dublin, 2001), pp. 138-49, p. 143.

for Extirpation of a new Maner of Coyn and Livery, upon Pains comprised in the Statute of Kilkenny'.[35]

After the twelfth-century conquest, there is evidence of the influence of brehon law on the legal customs of the Anglo-Normans as they developed in Ireland. An agreement, for example, was struck in 1299 to avoid the partitioning of the Rochford barony of Ikeathy in county Kildare. Under the traditional English custom of primogeniture, the barony would have been inherited by the sons of Sir Walter de Rupeforti and Eva de Hereford, but in default thereof the land would have been divided between their daughters. It was a circumstance well known to cause disruption in the Irish context: often daughters would be married away to suitors in England, leaving their Irish holdings open to predation by unscrupulous baronial deputies and captains, or to native raids. In the matter of the Rochford barony, however, the agreement arrived upon was to follow the Irish tradition, whereby '"the four nearest of our blood and name choose to elect one better and more worthy of the Rochefordeyns to whom so elected the whole barony of Okethy with all appurtenances indivisible shall remain."'[36]

In the 1537 parliament, an act was passed concerning marriage between the Anglo-Irish and the native Irish which recognised the 'great lacke of obedience [which] hathe growen to his highnes…within this lande' as a result of the marriage and fosterage of Anglo-Irish subjects amongst the native Irish. Previous statutes which forbade those practices on pain of attainder, the act continues, were not 'duelie put in execucion' owing to the 'wilfull appetyt' of the king's subjects in Ireland. As a result, not only had they defaulted in their duties as subjects, they did so at the peril of their own 'commoditie quietnes and profict,' forgetting their obligations to the 'publicque weale of their native cuntrey.' The act proceeds to re-iterate the terms and penalties of the Statutes of Kilkenny: 'to noo persone ne persones the kinges subjectes…shall marie or foster them selves their childer or kynsfolke…with any Irishe persone or persons of Irish blood,'

[35] 'Act for the Confirmation of Statutes of Kilkenny' and 'Act for Extirpation of a new Maner of Coyn and Livery, upon Pains comprised in the Statute of Kilkenny', in: Butler (ed.), *The Statutes at Large Passed in the Parliaments Held in Ireland (1310-1786)*, Cap. 8, p. 47, Cap. 18, p. 54.
[36] James Lydon, 'A Land of War', in *NHI (1169-1534)*, (ed.) Art Cosgrove (Oxford, 2008), vol. 2, pp. 240-74, p. 270.

including those Irish natives who had been denizised, unless they had paid homage to the crown.[37]

While the statutes were both a response to external pressures like disease and raiding, resulting in population decline and contracting borders, they were also a reflection of persisting and evolving English attitudes towards the native Irish.[38] Gaelic influence continued to be regarded as a serious threat to English hegemony, and complaints likewise continued to be expressed in parliamentary and conciliar correspondence between Dublin and London. The reform tracts of the sixteenth century relate on numerous occasions the corrupting influence of native Irish practices among the Anglo-Irish: speaking the Irish language, riding without a saddle, growing hair on the upper-lip,[39] and engaging in fosterage and gossiprid.

The most obvious cultural issues were caused by the conflation and piecemeal adoption of two legal systems: English common law and the laws of the native brehons. After the Anglo-Norman conquest and subsequent influx of colonists, English administrators appear to have had little objection to the use of brehon law outside the colony's boundaries. In the thirteenth century, aspects of brehon law were employed within the colony itself.[40] In the purview of criminal law,

[37] Philomena Connolly (ed.), *Statute Rolls of the Irish Parliament, Richard III-Henry VIII* (Dublin, 2002), 28-29 Henry VIII, Cap. 22, pp. 217-220.

[38] In the twelfth century, it has been observed that Richard fitz Gilbert de Clare (*c*. 1130-1176), second Earl of Pembroke (*alias* 'Strongbow'), who preceded Henry II in the Anglo-Norman invasion of Ireland, 'never fought without Irish troops.' Similarly, according to the *Annals of Loch Cé*, in 1172 an Anglo-Norman force was responsible for the death of Tighernan O'Ruairc. It had been aided by a certain Domhnall, who was an Irishman 'of his (Tighernan's) own tribe.' And John de Courcy in 1177 was accompanied by a host of Irishmen when invading Ulaid in north-eastern Ulster. By contrast, two centuries later, Lionel, Duke of Clarence, acting governor twice in the 1360s, and the man who presided over the parliament that passed the Statutes of Kilkenny, declared that no men born in Ireland were to be permitted to join his army: 'God would bless Lionel's undertakings against the Gaelic Irish only if he showed proper regard for the English settler elite, who were in the writer's view the *populus Hibernie*, the "people of Ireland".' Nicholls, *Gaelicised Ireland*, pp. 47-8; Frame, *Colonial Ireland*, pp. 149-50; Marie Therese Flanagan, 'Irish and Anglo-Norman Warfare in Twelfth-Century Ireland', in *A Military History of Ireland*, (eds.) Thomas Bartlett and Keith Jeffery (Cambridge, 1996), pp. 52-75, p. 67; *The Annals of Loch Cé* (London, 1871), vol. 1, p. 147.

[39] The author of a 1537 tract complained of there being 'no distyncton betwene many of our Englisshe marchers and Iryshmen in there habits. So that it is harde to know one from an other, it is expedient that all men dwelling within the said Englyshepale aswell horsemen fotemen as kerne shalhave no upper berde called A Croomell nor Turfed hed, but other weare a bunnet or ell[se] powld hedd[es] from tyme to tyme.' 'Discourses advocating reform in Ireland (*c*.1537)', BL Add. MS 48017, fos. 161v-168r, f. 161r.

[40] Cosgrove comes to this date by way of Sir John Davies' account of the beginnings of 'degeneracy' in the English colony in his *Discovery of the true causes why Ireland was never entirely subdued*. See: Art Cosgrove, 'Hiberniores

taken from the Irish custom of the *éraic*,[41] fines were increasingly imposed for crimes such as murder in substitution for the common law penalty of execution by hanging. So common had the practice become at the time 'that a rate had been fixed and it is noticeable in the surviving records that very few criminal offences led to the gallows.'[42]

In the marches, the mixing of the legal systems led to a hybrid third form known as 'march law', reflecting the increased militarisation of the border zones between the Irish and English during the century or so of Gaelic revival after *c*. 1300.[43] Its chief characteristic was the adoption of Irish military customs which permitted a lord to build and maintain an army of retainers in the absence of an effective crown force. A lord might therefore impose a range of exactions to support his troops, collectively termed 'coyne' or *coinnmhead*, and later 'coyne and livery', the latter referring to the victuals necessary for the sustenance and upkeep of his horses.[44] Similar early extortionate practices of the Anglo-Irish lords, known as 'prises', 'lodging', and 'sojourning', had been condemned in a statute of 1310.[45]

Following the Bruce invasion of 1315-18, the Anglo-Irish magnates were more inclined to 'cut their losses by recognizing the Irish reoccupation of re-conquered lands in return for an overlordship which must often have been only nominal.' Concessional grants were made by the Earl of Kildare to Hugh O'Toole in 1318; Edmund de Burgh, son of the second Earl of Ulster, to one 'Bryan Bane O'Bryan' in 1337; and the earls of Ormond made grants of land to the O'Kennedys, and formulated mutual defense arrangements, as well as other complex

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Ipsis Hibernis', in *Studies in History Presented to R. Dudley Edwards*, (eds.) Art Cosgrove and Donal McCartney (Dublin, 1979), pp. 1-14, p. 3.

[41] Also known as *éraic* or by English speakers as 'saut'. Nicholls, *Gaelicised Ireland*, p. 186.

[42] Lydon, 'A Land of War', *NHI (1169-1534)*, vol. 2, p. 270.

[43] Lydon, 'A Land of War', *NHI (1169-1534)*, vol. 2, pp. 268-9.

[44] Other exactions were imposed on tenants in those areas where the lord's army was then active, and might include subsidiary exactions such as: the 'bonnaght', which provided for the nourishment and payment his galloglass; or the 'cuddy', which consisted of food, drink, and lodging for the lord and his entourage. Nicholls, *Gaelicised Ireland*, pp. 184-5. See also Simms' extensive discussion of various native Irish 'tributes': Katharine Simms, 'Guesting and Feasting in Gaelic Ireland', *The Journal of the Royal Society of Antiquaries of Ireland*, 108 (1978), pp. 67-100, *passim*, but for coyne and livery specifically, see pp. 84-6. Introduced to Ireland in the late thirteenth century, a galloglass was 'a mailed foot-soldier wielding a heavy, long-handled battle axe.' Ellis, *Tudor Ireland*, p. 29; Otway-Ruthven, *A History of Medieval Ireland*, p. 225.

[45] By 1495, the practice was similarly repudiated in a statue as 'coyne and livery'. Butler (ed.), *The Statutes at Large Passed in the Parliaments Held in Ireland (1310-1786)*, Cap. 1, p. 1, Cap. 18, p. 54.

agreements influenced by brehon law, to govern the interactions of their respective followers. These sorts of agreements, whereby powerful Anglo-Irish magnates built up 'a system of indentured retainers', would become an enduring pattern through the fifteenth and sixteenth centuries, in spite of English attempts to mitigate Gaelic influence in the traditional colony.[46]

A further consequence of cultural admixture was the desire of some native Irishmen to enter English spheres of activity as equals, with recourse to common law, and the same property rights as the Anglo-Irish of the lordship. Some progress was made in 1316, when the Earl of March, Roger Mortimer (1287-1330), was as justiciar tasked with '[admitting] the Irish to the law'. Under his authority, and at the request of the Earl of Ulster, a charter of English liberty was granted to Eoghan O'Madden of Connacht and his kin.[47] In spite of this, in subsequent years,

> Gaelic Irishmen seemed to have been regarded as outside the scope of the English common law; their position, it has been convincingly argued, was analogous to that of aliens and if any of them wished to enjoy the benefits of that law they had to secure a charter of denization.[48]

Contributing to English ambivalence were concerns related to labour shortages in the wake of population decline resulting from famine, war, and plague. But by the middle of the fourteenth century, officials began to complain more vociferously about the increasingly divergent forms of law being practiced in the lordship. A petition of the 1350s noted that

> [s]ince the conquest there have been two kinds of people in Ireland and there still are, the English and the Irish, and amongst them three kinds of law had been used, each of which conflicts with the other: common law, Irish law and marcher law; and it seems to us that where there is diversity of law the people cannot be of one law or community.[49]

[46] Otway-Ruthven, *A History of Medieval Ireland*, pp. 272-4.
[47] Edmund Curtis, *A History of Medieval Ireland: from 1110 to 1513* (Dublin, 1923), p. 196. On denization generally, see: Bart Lambert and W. Mark Ormrod, 'Friendly Foreigners: International Warfare, Resident Aliens and the Early History of Denization in England, *c*. 1250-1400', *The English Historical Review*, 130, 542 (2015), pp. 1-24, p. 21.
[48] Art Cosgrove, 'The Emergence of the Pale, 1399-1447', in *NHI (1169-1534)*, (ed.) Art Cosgrove (Oxford, 2008), vol. 2, pp. 533-56, p. 553.
[49] Quoted in: Lydon, 'A Land of War', *NHI (1169-1534)*, vol. 2, p. 270.

As the fifteenth century progressed, concerns for the uniformity of law paralleled ongoing misgivings about the affect admittance of native Irishmen into the social and official spheres of the English Pale would have on English identity. Concerns were expressed in 1407, and parliament declared somewhat vaguely in 1410 that an Irishman seeking denization had to provide 'sufficient guarantees that he would not afterwards adhere to the "Irish enemies".'[50] And in 1416, a statute prohibited Irishmen in the Pale from receiving ecclesiastical advancement, citing the duplicitous activities of their servants.[51]

By the late fifteenth century, recognising the inefficacy of statutory prohibition, officials sought remedy by way of geographical retrenchment. Legislation put before the Irish parliament in 1488, notably 'The Act of Marches and Maghery', attempted to delineate boundaries for the Pale and differentiate between the sorts of activities that could take place on either side of its borders. Ellis explains that the 1488 act also made it 'a felony to take coign and livery within the Maghery (Irish: *machaire*, a plain) (as defined by the act) of the English Pale.'[52]

Cultural and ethnic mixing continued to be an issue into the 1500s. An anonymous morality play, *Hickscorner*, in the first decade of the 1500s lamented that the English migrating there would be '"all drowned in the rase of Irlonde."'[53] Anglo-Irish officials, however, were more ambiguous in their sentiments. William Darcy, for example, known as a steadfast Englishman of Ireland, criticised the adoption of coyne and livery, but nevertheless spoke fluent Irish.[54] And Patrick Finglas, lauded by the Earl of Surrey for being the 'moost deligent to doo the Kinges Grace true and feithfull service,' also observed that '"divers Irishmen doth observe and keep such laws and statutes which they make upon hills in their country, firm and stable, without breaking them for any favour or reward."'[55] Even as he described the necessity of bringing them to 'good frame' by

[50] Cosgrove, 'The Emergence of the Pale, 1399-1447', *NHI (1169-1534)*, vol. 2, p. 555.
[51] Cosgrove, 'The Emergence of the Pale, 1399-1447', *NHI (1169-1534)*, vol. 2, pp. 553-5
[52] Steven G. Ellis, 'Parliaments and Great Councils, 1483-99: addenda et corrigenda', *Analecta Hibernica*, 29 (1980), pp. 96-111, p. 104. Hore and Graves (eds.), *The Social State of the Southern and Eastern Counties of Ireland in the Sixteenth Century*, p. 167.
[53] Maginn and Ellis, *Tudor Discovery*, pp. 31-2. *Hickscorner* quotation taken from same.
[54] As did Chief Justice Patrick Bermingham. Both acted as translators for the Earl of Surrey during his tenure as lieutenant in the 1520s. Booker, *Cultural Exchange and Identity*, p. 229.
[55] Quoted in Bradshaw, *Constitutional Revolution*, p. 17.

keeping them 'under a law,' Finglas nevertheless in the same breath noted that 'there be no better labourers than the poor commons of Ireland.'[56] Neither were Irishmen just a faceless 'other'; they were actively employed, for example, by the Archbishop of Dublin, who in 1485 was given license 'for two years to provide Irish clerks to benefices in his gift.'[57]

English institutions and administrators, through the fourteenth, fifteenth, and sixteenth centuries, found themselves increasingly challenged by a shifting social and economic landscape shaped by the interaction of English and Irish cultures, perceived by many reform thinkers as an imminent threat to English identity and the crown.[58] How to deal with the ongoing, evolving reality of several hundred years of admixture and integration in the context of a land only ever half conquered was to be a recurring theme of sixteenth century treatises.

Royal Authority and Magnate Power

While claims to title, legitimacy and cultural integration may have been issues of importance to the crown, by far the most significant problem faced by English colonists was that of defence. By the fourteenth century, local violence was endemic 'with settlers seeking refuge in the towns or in more secure areas deep in the land of peace.' This was exacerbated by war, famine, plague, and emigration, 'so that whole areas were virtually depopulated' and it became increasingly difficult for colonists to adequately protect themselves.[59]

Less obvious, but no less damaging, was the issue of absentee lords, which left holdings open to the potential for mismanagement and predation. Writing in 1515, William Darcy described how the king's earldom of Ulster was lost to the crown, attributing it to a lack of male heirs in the line of William de Burgh (1312-33), third Earl of Ulster. Marriage of the daughters of William's line to nobility in England availed the security of Ulster little, for 'these foresaid great estates had so

[56] *State Papers, Ireland, Henry VIII (1515-37)*, (London, 1834), vol. 2, 3, p. 63; *Calendar of the Carew Manuscripts (1515-74)* (London, 1867), vol. 1, Cap. 1, p. 6; Maginn and Ellis, *Tudor Discovery*, p. 79.
[57] Ellis, 'Parliaments and great councils', p. 102.
[58] Robin Frame, 'The Defence of the English Lordship, 1250-1450', in *A Military History of Ireland*, (eds.) Thomas Bartlett and Keith Jeffery (Cambridge, 1996), pp. 76-98, pp. 76-7.
[59] Lydon, 'A Land of War', *NHI (1169-1534)*, vol. 2, pp. 268-73.

much lands in England…they took no heed to the said earldom, ne put keeping on the same, so as by that means Irishmen hath near hand conquered the said five shires.'[60]

During the fourteenth century, as Anglo-Irish lands came to be held more and more by absentee lords in England, native Irish incursions into vulnerable territories gradually eroded the extents of lands and revenues effectively held by the colonists. In some cases, in the Anglo-Irish barony of Ikeathy, for example, the consequences of a division of the land amongst distant English nobles was avoided by recourse to Gaelic custom, wherein a new lord was to be chosen in the same manner the native Irish were accustomed to electing a *tánaiste*, rather than by traditional English laws of inheritance by blood. In other instances, Anglo-Irish lands held by absentee lords were sold off, permitting the eventual rise of 'a more distinctively Anglo-Irish aristocracy,' including the Geraldine and Butler families, who would wield considerable authority well into the sixteenth century.[61]

Absenteeism in general, however, was a continuing issue well into the sixteenth century. Some lords remained absent owing to extant or intensifying interests in England. The fifth Earl of Ormond, James Butler, for example, forsook his Irish patrimony, choosing rather to marry in England and administer his Irish earldom from there.[62] His father, the fourth earl, had been a capable viceroy in Ireland through many years in the early half of the fifteenth century. But after the succession of the fifth earl, the earldom was left in the charge of a series of baronial deputies, including Piers Butler, and it was not until after the turn of the century, when Piers began to assert his claims to the Ormond title, that effective control of the earldom, after a long period of dispute between Butler lineages, returned once more to Ireland. The Talbot earls of Shrewsbury and Waterford, and the dukes of Norfolk, among others, were also significant absentees. They had originally obtained lands in Ireland in 1245, following the break-up of Walter Marshal, the eighth Earl of Pembroke's estate, the premier landholder in Leinster. The estate was divided amongst his granddaughters:

[60] 'Decay of Ireland (1515)', *CCM*, vol. 1, Cap. 2, pp. 6-8, p. 7.
[61] Nigel Saul, *Richard II* (New Haven and London, 1997), p. 272.
[62] John Watts, 'Butler, James, first earl of Wiltshire and fifth earl of Ormond (1420–1461)', *ODNB*, Accessed 13 Mar. 2016, http://www.oxforddnb.com/view/article/4188.

> Matilda, the eldest, obtained Carlow and carried the hereditary office of Earl Marshal to her husband, Hugh Bigot, Earl of Norfolk. Joan, the second, received Wexford. Isabella, the third, had Kilkenny, which her descendants sold to the Ormonde family. Sibilla, the fourth, had Kildare for her share. Eva, the youngest sister, married William De Braose; and through her daughter, who was married to Roger Mortimer, became ancestress of most of the royal houses of Europe.[63]

Among the authors of early sixteenth-century treatises, absenteeism was universally regarded as an issue that needed to be addressed. In his 'A briefe note of the gettinge and decaye of Ireland', Patrick Finglas, for example, describes the consequences of one such union which 'regarded lytle the defence of their lands in Ireland.' Consequently, 'there Revenewes of the same beganne to decaye.'[64] The 1515 'State of Ireland', too, draws the reader's attention to the lack of male heirs from the marriages of the Earl Marshal and the Earl of Ulster, who, '[yf] they hadde not dyed withoute heyre male,' it may have been that 'the lande hadde never rebellyd ayenst the King.'[65] Without resident lords to defend their holdings, an ill-equipped tenantry had little hope of repulsing native Irish raiding parties. Accusations of absenteeism against nobles and clergy, and descriptions of the effects felt by the tenantry were to become a mainstay of reform literature through the sixteenth century.

Local violence, taken together with the distance between Dublin and London and concomitant difficulties of communication, had also been a concern for the crown ever since the conquest. At that time, it could be countered because the settlers, led by powerful magnates like Robert fitz

[63] Richard Bagwell, *Ireland Under the Tudors* (London, 1885), vol. 1, pp. 63-4.
[64] Patrick Finglas, 'A briefe note of the gettinge and decaye of Ireland preferred unto Kinge Henry the Eight about the vijth yere of his Raigne', LPL Carew MS 635, f. 185v. A similar passage appears in the misdated version in the *CCM*: Patrick Finglas, 'Reformation of Ireland (1515)', *CCM (1515-74)*, vol. 1, Cap. 1, pp. 1-6, p. 2.
[65] 'Decay of Ireland', *CCM*, vol. 1, Cap. 2, p. 7; *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 11.

Stephen de Clare, also known as 'Strongbow', had the military resources or *manraed*,[66] and leadership to do so,[67] for

> [s]ince no king was likely to reside in Ireland for any length of time, the maintenance of the lordship, like other regions where the monarchy rarely came, was bound to depend primarily on the aristocracy, whose authority was, in the codes of the period, as innate as that of the crown.[68]

That relationship between a strong, resident magnate in Ireland and the English crown would be become an enduring one. It proved on the one hand to be the most effective means English kings had of administering their dominion across the Irish Sea. On the other, by the sixteenth century, the trust the crown placed in a powerful Anglo-Irish magnate, by then long taken for granted, posed a significant threat to evolving conceptions of English sovereignty.

The Kildare Hegemony

In the late fourteenth century, the position of lieutenant of the lordship of Ireland was considered anathema to the great Anglo-Irish magnates. The benefits, if any were to be had, were outstripped by the costs.[69] But during the fifteenth century, the office of lieutenant garnered new attraction as the potential for financial losses associated with it diminished. Appointments of Anglo-Irish magnates and their relations grew increasingly frequent as the office was invested with a more potent authority that included control of the Irish revenues, the ability to grant official posts in council, as well as to prevent non-ministerial 'councillors' from gaining any real authority in the great matters of the lordship.[70]

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[66] Ellis describes '*manraed*' as 'a battle-hardened tenantry available to the lord for defence,' and as 'the men a lord could call on in wartime for military service.' Steven G. Ellis, '"Reducing their Barbarous Wildness...unto Civility": England and "the Celtic Fringe", 1415-1625', in *Ireland and the English World in the Late Middle Ages*, (ed.) Brendan Smith (U.K., 2009), pp. 176-92, pp. 180, 185.

[67] Frame, *Colonial Ireland*, pp. 65-66. For Henry II's wary response to Strongbow, who had made spectacular gains in Ireland prior to the king's arrival, see: Frame, *Colonial Ireland*, pp. 11, 18-9.

[68] Frame, *Colonial Ireland*, p. 69

[69] According to James Lydon, the earls of Ormond and Kildare refused the position in 1379. In 1381, Ormond refused again, as did Desmond. Later, around the turn of the century, Ormond opined of the office: '"Nor do we know how we can sustain it without great dishonour and destruction of our poor and simple estate."' James Lydon, *The Lordship of Ireland in the Middle Ages* (Toronto, 1972), pp. 229, 253.

[70] Lydon, *Lordship of Ireland*, p. 254; Richardson and Sayles, *The Irish Parliament in the Middle Ages*, pp. 169-9.

In the context of the early sixteenth century, the most significant representatives of crown authority were the earls of Kildare. Comparatively little has been written about the seventh Earl of Kildare, who was appointed justiciar in late 1454; he is in many ways overshadowed by his son, 'the great', eighth earl. What is certain, however, is that the seventh earl lay the foundations for the prosperity of the Kildare earldom, and in some measure the security of the Pale.

In the parliament of 1455, progressive defence measures undertaken by the previous Deputy were continued.[71] These were intended to prevent native Irish and Anglo-Irish raiders attacking the Pale under cover of darkness. Among the measures in county Kildare, 'spies, watch and watches' were to be funded by a levy of 'smokesilver', to help prevent native Irish raids.[72] In the same parliament, provision was also made for a fortress to be built at 'Ballycor', which would 'be the resistance of the enemies of the King and English rebels as far as to the town of Athboy.'[73] According to the Pale limits defined by statute in 1488, Athboy lay on the border of the Pale.[74] It suggests, in combination with other statutes made in 1455, that Kildare and the council were seeking on the one hand to expand the legal jurisdiction of Dublin, and on the other to expand the territorial limits of the Pale itself. Recommendations in a parliament of the following year were made for further fortification, and suggest Kildare was hoping to continue efforts to extend influence over areas well beyond the Pale.[75] Ongoing construction, combined with internal

[71] In the parliament of 1453-4, Deputy Roland FitzEustace had called for a commission to investigate 'the extendinge and assesinge of all the lands and tenements in the countye of Dublin.' Yet another prohibition against coyne and livery was decreed, particularly insofar as the lands of the church were concerned. More effective, however, was the specific, direct action taken for the reparation of castles and construction of defensive trenches in the counties of the Pale. The castles of 'Tawlaghe' and 'Ballemore', the former in county Dublin, were to be repaired. A grant of £10 for four years was to be made to '[he] that build a castle in the Countye of Kildare.' And a commission was to secure 'gentlemen' to fund labourers for the building of 'tre[n]ches and fortresses upone the border and marches' of Meath, which operation was to last for four years. The same was to apply in Louth, Kildare, and Dublin. Henry F. Berry (ed.), *Statute Rolls of the Parliament of Ireland (Henry VI)* (Dublin, 1910), pp. 293, 299.
[72] The men to be granted patents for the task of collecting the levy and the hire of spies were to be accountable to the Prior of Connell rather than the Irish exchequer. Berry (ed.), *Statute Rolls of the Parliament of Ireland (Henry VI)*, pp. 335-6.
[73] There is a Ballycore bordering counties Wicklow and Kildare, beyond the Pale, 10km south of Kilcullen, which resides at the southernmost limit of the Pale (as defined in 1488). There is also a townland of Ballycore in county Offaly, some 50km to the east of Kilcullen, well beyond the limit of the Pale. Berry (ed.), *Statute Rolls of the Parliament of Ireland (Henry VI)*, p. 419.
[74] John D'Alton, *The History of the County of Dublin* (Dublin, 1838), p. 34. Conway informs us that D'Alton's description is taken from the '*Liber Niger*', and that the parliament of 1488 'does not figure in the *Irish Statutes at Large*.' Agnes Conway, *Henry VII's Relations with Scotland and Ireland 1485–1498* (New York, 1972), n1, p. 42.
[75] Berry (ed.), *Statute Rolls of the Parliament of Ireland (Henry VI)*, pp. 503, 541, 633.

dissension, seems in the long term to have severely limited the ability of native Irish septs to make sizeable raids on the Pale.[76]

The fortifications also had the effect of providing Kildare lands with protection from the rebel Berminghams and native Irish O'Connors. In 1459, the O'Connor chief was captured by Kildare, bringing the border castle of Rathangan into his hands.[77] Meanwhile the execution and attainder of the Lancastrian Earl of Ormond in 1461 permitted Kildare to recoup the manors of Maynooth and Rathmore that had been lost to Ormond by his marriage to Elizabeth, the daughter of the fifth Earl of Kildare, in 1432, and had been the cause of continuing acrimony between the two magnate dynasties.[78] Also in 1461, Kildare received confirmation of a grant of the manor of Moylagh in county Meath.[79]

The gradual entrenchment of Kildare power was not without some setbacks. With the seventh Earl of Kildare as chancellor and Desmond as deputy, opposition mounted, ostensibly by members of the Pale angry at the imposition of coyne and livery. Recalled to England but eventually cleared, Desmond went on to suffer defeat at the hands of O'Connor in 1466. Replaced as deputy by the Earl of Worcester, both Desmond and Kildare were brusquely attainted (and Desmond ultimately executed) in 1468 for colluding with the native Irish. Desmond's brother, with whom Kildare had sought refuge, allying with O'Connor and McMurrough, mounted raids on the Pale in revenge. Without the support of the Irish nobility and their ability to harness local allegiances, Worcester found himself beset by raids: by O'Reilly in Louth, Fitzgerald in Tipperary, and O'Neill in Ulster. By 1470, Worcester had himself been recalled, and the attainder of Kildare reversed. The episode was demonstrative in that it

[76] Cormac Ó Cléirigh, 'The O'Connor Faly Lordship of Offaly, 1395-1513', *Proceedings of the Royal Irish Academy. Section C: Archaeology, Celtic Studies, History, Linguistics, Literature* (1996), pp. 87-102, pp. 96-8.
[77] Quinn, '"Irish" Ireland and "English" Ireland', *NHI (1169-1534)*, vol. 2, p. 633; Steven G. Ellis, 'Fitzgerald, Thomas, seventh earl of Kildare (*d*. 1478)', *ODNB*, Accessed 30 Mar. 2016, http://www.oxforddnb.com/view/article/9585.
[78] A letter of 1454 to the Duke of York from 'the chief persons in the county of Kildare' described how the Earl of Ormond's cousin, William Butler, had taken advantage of – then lieutenant – Ormond's appointment of the ineffectual John Mey as deputy, and, invading Kildare's lands, 'hath caused more destruccionne in the said Counte of Kildare and libertie of Mith within shorte tyme now late passed, and dayly doth, then was done by Irish ennemys and English rebelles.' Henry Ellis, *Original Letters, Illustrative of English History: To 1795*, (London, 1827), vol. 1, p. 118; Richardson and Sayles, *The Irish Parliament in the Middle Ages*, p. 241
[79] Charles William Fitzgerald, *The Earls of Kildare and Their Ancestors from 1057 to 1773* (Dublin, 1858), p. 38.

portrayed to Edward IV the critical influence the Anglo-Irish earls had over not only their own tenants and retainers, but over the native septs as well.[80] Indeed, Kildare's attainder was overturned on condition that he 'induce the Leinster earls to make peace.' It also illustrated the ineffectiveness of English deputies, who 'had no Irish connections,' and who with 'even 700 men could not keep the peace without the co-operation of the local magnates.' The solution was to hew to appointing an Anglo-Irish viceroy, a policy 'so successful…that from 1470 to 1534 a Pale landowner was governor for all but nine years.'[81]

On the death of the seventh earl in 1478, an English deputy, Henry, Lord Grey of Ruthin, was appointed. Meanwhile, the eighth earl was continuing to consolidate Kildare authority in the lordship. Attempts by the king to mediate the influence of the lordship's governors over members of its council were muted by the power Kildare nevertheless must have wielded over them. Indeed, in spite of Ruthin's appointment, Kildare secured election by a Dublin council that had likely been purposefully attenuated by the preceding earl in order to wield more complete authority over the administration. The eighth earl, now justiciar, along with his other supporters, resisted the new deputy, who was initially refused entry to Dublin castle.[82]

In the 1480s, Edward IV, attempting to regain greater control of the lordship, granted council members their positions for life. But, tellingly, as we have seen, '[since] Kildare controlled the seven and the seven controlled the council, he provided for his own election as justiciar and the continuity of his own power until he could make terms with the new king, if such there should be.'[83] This brief episode of confusion lasted for only a short while: after a meeting with the king and select councillors, Kildare was confirmed as governor, but it inaugurated a more intense period of manoeuvring between the crown and its deputies that would last for decades to come.[84]

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[80] Chrimes, *Henry VII*, p. 75.
[81] Ellis, *Tudor Ireland*, pp. 54-56.
[82] Quinn, 'Aristocratic Autonomy, 1460-94', *NHI (1169-1534)*, vol. 2, pp. 605-6.
[83] Richardson and Sayles, *The Irish Parliament in the Middle Ages*, p. 168.
[84] Richardson and Sayles point out that a ministerial grant 'for life' was not as certain as it sounded; their position might be ended by subsequent statute, but in the circumstances Kildare only 'intended…to tide over an expected crisis.' Richardson and Sayles, *The Irish Parliament in the Middle Ages*, pp. 168-9.

The reign of Henry VII, beginning in 1485, was a period of considerable political transition in England. This was reflected in Ireland also, where two pretenders to the English throne – Lambert Simnel and Perkin Warbeck – solicited and received Anglo-Irish support for their campaigns. Challenges to English sovereignty in Ireland, however, were not new. In 1460 Richard, Duke of York, then Lord Lieutenant of Ireland, leveraged the Irish parliament held at Drogheda into passing a statute indemnifying him from legal action taken against him in England. It was argued that by means of 'ancient custom, privilege and franchise' the Seal of Ireland and the laws sanctioned by it held sway over any contrary orders that might be put forth by the parliament of England. The Irish parliament – an entity declared to be 'corporate of itself' – was therefore the primary lawgiver of the land. The sovereignty of the Irish parliament and its officials was asserted; parliament had the means to make law, and the ability, through local officials, to enforce them. It was argued that given the lordship's self-sufficiency and as 'it has not been seen or heard that any person or persons inhabiting or resident in any other Christian land so corporate of itself ought to obey any mandate within the same land given or made under any other seal than the proper seal of the same,' it made little sense that anyone – including the duke – could be 'compelled to go by any such mandate out of the said land.'[85] In the event, having likely secured a large contingent of Irish archers, Richard nevertheless travelled voluntarily to England with the intention of seizing the crown, there meeting his end at the Battle of Wakefield, his disembodied head adorned with a paper crown and mounted on the pallid limestone walls of York.[86]

In 1487, Henry VII witnessed the eighth Earl of Kildare, his brother Thomas, and other prominent Palesmen, crown the pretender Lambert Simnel in a ceremony grand enough to be attended by what the compiler of the *Book of Howth* describes as such a 'throng of people…that the child [Lambert Simnel] could not be seen,' so that he was instead 'borne in, and upon Great [William] Darsey of Platan's neck, that every man might see him.'[87] This display, and the presence of wealthy nobles and gentlemen like Darcy is testament to the enduring popularity amongst the

[85] Berry (ed.), *Statute Rolls of the Parliament of Ireland (Henry VI)*, pp. 386-7; James Lydon, '"Ireland Corporate of Itself": The Parliament of 1460', *History Ireland*, 3, 2 (1995), pp. 9-12, pp. 9-10.
[86] John Watts, 'Richard of York, third duke of York (1411–1460)', *ODNB*, Accessed 25 July 2016, http://www.oxforddnb.com/view/article/23503.
[87] *Calendar of the Carew Manuscripts: The Book of Howth* (London, 1871), vol. 6, p. 188.

Pale elite of the house of York. Kildare's brother, Thomas, soon joined Simnel in person, leading the Irish host during the pretender's invasion.[88] The continuing popularity of York, appointments made without royal consent, and – not least – the support of the governor, nobility, and commons of the Pale for a pretender would have been more than a little unsettling for the still precariously situated Tudor king.

While the Simnel affair ended at the Battle of Stoke in 1487, it inaugurated further concerns about foreign intervention in matters of English sovereignty. Simnel had been coached and promoted as the Yorkist successor by English agents, yet the enterprise was funded by foreign supporters including Margaret of Burgundy, and was backed by German mercenaries led by Martin Schwartz.[89] Henry's response was to organise a commission in 1488 headed by Richard Edgecombe to 'go over to Ireland, with power to treat for "the sound rule of peace, armed with pardons for those who would submit, and to administer oaths of fealty and allegiance, and to imprison rebels and traitors."'[90]

Within a short time, more concerns were raised when another pretender, Perkin Warbeck, raised his banner of claim to the English crown at Cork in 1491. The involvement of agents of the French king, Charles VIII, were a potent reminder of the continuing need for even more control over the Irish governor and his administration. While Henry VII's biographer, S.B. Chrimes, points out that initial evidence of broader foreign collusion is scant,[91] historian Agnes Conway observes that a payment made by James IV of Scotland 'to a herald that came from Ireland and passed on to the Duchess, should confirm her agency.'[92] Either way, it was again the sort of threat to English sovereignty and Henry's kingship that had the potential to grow out of control. Henry was not ignorant of the fact that he had used similar methods to secure the throne, and in the present

[88] Thomas was retained as chancellor by Kildare, defying Richard III's appointment of Robert St Lawrence, Lord Howth. He died at the Battle of Stoke in 1487. Ellis, *Tudor Ireland*, p. 67; Quinn, 'Aristocratic Autonomy, 1460-94', *NHI (1169-1534)*, vol. 2, pp. 612-3.
[89] The major English conspirators consisted of the priest, Richard Simons; the Earl of the Lincoln; and Viscount Lovel. Chrimes, *Henry VII*, pp. 76-9.
[90] R.H. Brodie, J.G. Black and Henry Churchill Maxwell Lyte (eds.), *Calendar of the Patent Rolls Preserved in the Public Record Office: Henry VII, 1485-1509* (London, 1914), pp. 225, 227, quoted in: Chrimes, *Henry VII*, p. 79, and n2 on the same page.
[91] Chrimes, *Henry VII*, p. 81, and n3 on the same page.
[92] Conway, *Henry VII's Relations with Scotland and Ireland 1485–1498*, pp. 48-9.

circumstances, Ireland could not be counted on to sit out the latest rounds of Yorkist sedition. While not directly implicated in the Warbeck affair, Kildare had notably done little to prevent the young pretender garnering adherents and departing for the continent, from where he and his continental enablers continued their attempts to stir disturbances in England until Warbeck's execution in 1499.[93]

Anxiety over the 1460 declaration of Irish parliamentary sovereignty; followed by Kildare and many prominent figures of the Pale having supported the pretender Lambert Simnel, and their passivity in the face of a subsequent pretender, as well as mounting concerns about the intervention of foreign powers in Ireland, spurred Henry VII to take more direct action. So it was that in 1494 Henry sent Edward Poynings to Ireland with 650 men to prevent further disturbances that might present new threats to what must have seemed a still frustratingly precarious grasp on authority in the nascent Tudor regime.[94] But his tenure, like most English governors, was costly and short-lived.

By the time Henry VIII succeeded in 1509, in spite of repeated acts of disloyalty, the Kildare earls were firmly entrenched as *de facto* governors in the lordship. In his *Antiquities and History of Ireland*, the seventeenth-century antiquarian, James Ware, describes an apocryphal exchange relating to the character of Gerald Fitzgerald, eighth Earl of Kildare, which occurred in the wake of the earl's two earlier flirtations with treason, and the resurgent discord between Kildare and Ormond in 1496.[95] The exchange is in the form of a conversation between an unknown source and Henry VII to the effect that 'all Ireland was not able to Rule [Kildare]; and that thereupon the King should reply, saying; Is it so? then he shall therefore Rule all Ireland.'[96] Kildare indispensability on the whole outweighed any liabilities. In spite of recent bad decisions, both Edward IV and Henry VII regarded Kildare as an effective enough governor to preserve English sovereignty in Ireland without placing too much of a burden on the crown treasury. The ability of the Earl of Kildare to mobilise men on both sides of the cultural divide would become critical to

[93] S.J. Gunn, 'Warbeck, Perkin [Pierrechon de Werbecque; alias Richard Plantagenet, duke of York] (c.1474–1499)', *ODNB*, Accessed 25 July 2015, http://www.oxforddnb.com/view/article/28669.
[94] Conway, *Henry VII's Relations with Scotland and Ireland 1485–1498*, p. 78.
[95] Lambert Simnel in 1486, and Perkin Warbeck in 1491.
[96] James Ware, 'The Annals of Ireland (Henry VII)', *The Antiquities and History of Ireland* (1705), p. 33.

the defence of the lordship, even if it meant conceding some ground in the arena of social practices.[97] If Henry VII had any doubt, Kildare likely extinguished it in 1504 at the Battle of Knockdoe with a dramatic victory over the rebel Anglo-Irish Burkes and their native Irish allies, the O'Brien's of Thomond.[98] There would be no further challenges to Kildare hegemony in Ireland during the eighth earl's lifetime.

The early years of the sixteenth century saw the death of Henry VII in 1509 and the death of the 'Great' eighth Earl of Kildare in 1513, each succeeded by their sons, and each committed to the respective legacy of his father: Henry VIII to managing and containing Kildare authority, and the ninth Earl of Kildare to forming cross-cultural alliances with the native Irish to expand his territory outside the lordship while retaining his holdings and liberties within it.

Poynings' Parliament

Peter Crooks notes that '[e]ven at its height, *c*. 1300, English power in medieval Ireland was decentralized and dispersed.' It is therefore important, he suggests, to examine the growing phenomenon of expectations for royal 'remedy and intervention', particularly in the wake of economic downturn, the Black Death, and intensifying native Irish activity.[99] Problems surrounding lordship, Gaelic influence, and absenteeism contributed to desires for administrative intervention from about the fourteenth century. And while it was ultimately up to the English crown to address those issues, it had long been the voice of the Irish parliament – through petitions and private bills – that had carried the messages of lords, commons, and clergy to the ears of the king and his council in London. In the context of the late fifteenth century, however, the growing power of the Kildare earls, particularly in light of their recent dalliance with sedition, needed to be addressed. The crown's reaction was to restrict the ability of the deputy to call parliament without first seeking permission from the crown. Any bills that were to be passed had

[97] Reliance on the Kildare earl dates to well before the Tudor succession; Ellis writes that Edward IV 'sacrificed a degree of political control for financial economy, and after 1478 relied almost exclusively on the local power of Kildare.' Steven G. Ellis, 'Tudor Policy and the Kildare Ascendancy in the Lordship of Ireland, 1496-1534', *Irish Historical Studies* (1977), pp. 235-71, p. 235.
[98] Donough Bryan, *Gerald Fitzgerald: The Great Earl of Kildare (1456-1513)* (Dublin, 1933), pp. 235-6.
[99] Crooks, 'Structure of Politics', *CHI, 600-1550*, vol. 1, p. 442.

first to be approved by the king and council in London before being legislated in the Irish parliament.[100]

This decision passed in the so-called Poynings' parliament of 1494-5. It marked the end of a centuries-long tradition of nearly annual gatherings of parliament and great councils. Between the years 1450-1499, there had been 49 parliaments, councils, or great councils, comprised of 100 sessions. By contrast, between 1500-1549, there were only 7 parliaments made up of 36 sessions.[101] While directed firmly at limiting Kildare authority, it nevertheless inadvertently undermined the avenues of communication the Anglo-Irish polity had come to rely on by abrogating the power and independence of the Irish parliament.

This dramatic decrease in parliamentary activity unfortunately coincides with the loss of records of proceedings from the parliaments of 1499, 1508-9, and 1516, occasioned by the 1922 Four Courts fire.[102] The difficulty, then, lies in assessing to what degree Poynings' parliament and his eponymous law were responsible for the decrease in legislation, to what degree the destruction of records contributed to this, and how much each contributed to the apparent sudden appearance of early Tudor reform literature in Ireland. The matter of archival destruction is irresolvable – we cannot know what might have been included. But it is worth briefly addressing the question of how much Poynings' parliament might have encouraged reform thinkers to offer their complaints and hopes for remedy by a different avenue.

As a short-term solution and warning to Kildare, Poynings' Law may have served its purpose. By all accounts, until his death in 1513, the eighth earl remained a potent and reliable servant of the crown.[103] In the long term, however, in spite of the restrictions entailed by Poynings' Law, the Kildare earls remained for the better part unencumbered.[104] After the departure of Poynings' soldiers, and in the wake of a £12,000 bill for this latest intervention, Henry VII fell back on the

[100] Lennon, *Incomplete Conquest*, p. 14.
[101] T.W. Moody, F.X. Martin, and F.J. Byrne (eds.), *NHI: Maps, Genealogies, Lists, A Companion to Irish History, Part II* (Oxford, 2002), vol. 9, pp. 600-3.
[102] Connolly (ed.), *Statute Rolls of the Irish Parliament, Richard III-Henry VIII*, p. 344.
[103] G.O. Sayles, 'The Vindication of the Earl of Kildare from Treason, 1496', *Irish Historical Studies*, 7, 25 (1950), pp. 39-47, p. 45.
[104] Ellis, *Tudor Ireland*, p. 82

necessity of utilising Kildare to protect the Pale against both rebel English and native Irish.[105] As had long been the case, a strong magnate with the means to raise his own revenues and soldiery was necessary if the pecunious king was to avoid granting subventions out of England or committing expensive troops to service in Ireland.

Poynings' Law may have limited the ability of the deputy – almost always by 1496 the earls of Kildare – to advance his interests by means of regular legislation, but it likely did not reduce his ability to influence the content of those bills being transmitted to England for approval, altering the means by which members of parliament, and so the general polity of the Pale, could communicate with the crown. Under Poynings' Law, all bills proposed had first to pass through the hands of the Dublin council and of the deputy himself. Moreover, if the procedure for the handling of private petitions was anything like the English parliamentary model, those petitions and grievances would have to pass through the hands of local receivers and triers, who were often clerks of the chancery.[106] While Poynings' parliament had returned powers of appointment for most offices in Dublin to the king,[107] Kildare's 1496 mandate reversed these to include once more the power to appoint all officials but for the chancellor (which was reserved to the king), as well as the disposition of the Irish revenues, and any land he could re-acquire from the native Irish.[108]

[105] Ellis, *Tudor Ireland*, pp. 82-3.

[106] Richardson and Sayles observe that 'we shall do well to remember that the system of English common law was adopted in Ireland and that, though we must expect a time-lag and the adaptation, as well as the direct reception, of English institutions, the general features of Irish administration will recall those of English administration.' Richardson and Sayles, *The Irish Parliament in the Middle Ages*, p. 7. The causes of some variation, they point out, occurred during the reigns of Richard II, Henry IV, and Henry V, for which see p. 145.

[107] An act of the 1494-5 parliament stated that, owing to recent sedition, 'from this time forward no maner person or persons, that shall have ministration of justice, that is for to say, the chancellour, the treasurer, judges of the Kings bench and Common place, the chief and secondary baron of the Exchequer, the clerk or the master of the rolls, and all maner officers accomptants, have any authority by patent in their such offices, but onely at the King's will and pleasure.' Butler (ed.), *The Statutes at Large Passed in the Parliaments Held in Ireland (1310-1786)*, Cap. 2, pp. 42-3.

[108] Quinn, 'The Hegemony of the Earls of Kildare, 1494-1520', *NHI (1169-1534)*, vol. 2, p. 646. Notably in the patents given to the Kildare earls in 1496, 1510, 1513, and between 1522 and 1529, the clauses requiring official appointments to be made only by the king, put forth in the 1494-5 Poynings' parliament, were relaxed, so that 'appointments were made during the king's pleasure *and* that of his deputy.' Italics mine. Ellis observes that this 'probably assisted the growth of faction in the administration in the 1520s.' Ellis, *Reform and Revival*, pp. 16-17.

This would grant the deputy considerable oversight as to what information was actually passed along to the king and his council in London. Grievances deemed to be unpalatable could be weeded out, judged inappropriate for parliamentary business, or in some cases referred to manorial courts, far from the attention of the crown. In England at least, the popularity of utilising the representative nature of parliamentary members to address grievances had grown through the centuries, and some method was needed to deal with the burgeoning amount of petitioners keen to have their suits dealt with at the highest possible level.[109] The Dublin administration, full of Palesmen either too loyal to – or too fearful of – Kildare, would have had little cause to transmit grievances harmful to their interests through the Dublin executive, a council dominated by a strong deputy like the Earl of Kildare. In any event, with fewer parliaments being held, grievances brought up could be dealt with or ignored on an *ad hoc* basis. If the deputy and council chose not to transmit particular concerns to the crown for ratification, those nobles, commons, and ecclesiastics who did not hold conciliar office would have found themselves in a much-diminished position. For example, in the early decades of the sixteenth century, we find accusations against the ninth Earl of Kildare relating to ongoing attempts to impede communication between Dublin and London.[110]

[109] Bryce Lyon notes a doubling from 250 to 500 petitions between 1290 and 1305. Bryce Lyon, *A Constitutional and Legal History of Medieval England* (New York, 1980), p. 410. Interestingly, Gwilym Dodd observes of the process of presenting English parliamentary petitions in the fourteenth century that the system was 'haphazard' and open to 'hijacking' by interested parties. He also points out that '[t]he presentation of these early common petitions as individual pieces of parchment also mitigated against the formulation of a consolidated programme of reform.' Gwilym Dodd, *Justice and Grace: Private Petitioning and the English Parliament in the Late Middle Ages* (Oxford, 2007), p. 133. For the increasing importance of representation in parliament in the fifteenth century, particularly as it related to private petitions, see: A.R. Myers, 'Parliamentary Petitions in the Fifteenth Century: Part I: Petitions from Individuals or Groups', *The English Historical Review*, 52, 207 (1937), pp. 385-404, p. 390; and for the diverse nature of commons' petitions in general after 1423, and the ongoing plight to have grievances most effectively heard, see: A.R. Myers, 'Parliamentary Petitions in the Fifteenth Century: Part II: Petitions of the Commons and Common Petitions (Continued)', *The English Historical Review*, 52, 208 (1937), pp. 590-613, p. 612, and *passim*. For the mid-sixteenth century and the importance of commons' petitions to popular politics, and the immense potential they had to seize the attentions of local and metropolitan administrators, see: R.W. Hoyle, 'Petitioning as Popular Politics in Early Sixteenth-Century England', *Historical Research*, 75, 190 (2002), pp. 365-89, pp. 365, 389.

[110] One of Thomas Cromwell's informants, Anthony Colley, writing in 1536, but referring to the policy employed by the ninth Earl of Kildare, complained that the late earl used to 'keep England in the dark on matters of Ireland. He usually prepared matters for the Council, which were first signed by his own followers there, and then by others; consequently, the Council of England was frequently misinformed, and those were blamed who had never offended.' *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII (1536)* (London, 1887), vol. 10, Cap. 1102, p. 464. The practice seems not to have abated some years later under the vice-royalty of Leonard Grey. After

Prior to Poynings' Law, parliamentary petitions and letters of grievance had been a significant outlet for lords, gentry, and clergy alike. Conversely, their messages provided an important source of information about contemporary Ireland for the king and council. It is little wonder, then, that in 1515 a new mode of communication – the reform treatise in particular – seems to have been employed, one that bypassed both the Irish parliament and the Dublin council.

Interestingly, the parliamentary records of 1498-99 and 1508-9 are notable for their lack of petitions.[111] Reconstruction of the activities of the missing parliamentary proceedings has been assayed by historian D.B. Quinn using a number of published and fragmentary manuscript sources. Based on his reconstruction, Quinn has observed that after 1494-5 the sorts of petitions frequently found in the statute rolls of the fifteenth century seem entirely to cease. He notes it may have been that petitions were sent first to the king's vice-regal representative or Irish council as legislative suggestions, although none of this sort have yet been discovered.[112]

While it may be that petitions continued to be transmitted to the crown after 1494-5, and we simply lack evidence for those that did, the incontrovertible fact remains that the decrease in the number of parliaments called in the early decades of the sixteenth century meant that Palesmen had fewer opportunities to air their grievances. The significance of this phenomenon has great

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he had been imprisoned on what appear to be the slimmest of charges, the retinue of the same Colley, pleading on his behalf, similarly opined that '[i]t is a pity a man cannot write to the King or Cromwell but his letters will be intercepted and scanned by his adversaries here.' *LP (1536)*, vol. 10, Cap. 1103, pp. 464-5. The problem had been brought up long before: the 1515 'State of Ireland' highlighted the issue, drawing attention to the possibility that the crown's negligence of the lordship may have been a result of the 'many colouryd wryteinges and messyngers [that] comeyth dayly to hym fro dyverse of the noble folke, shewing otherwyse then the lande is.' *'State of Ireland', SP*, vol. 3, 2, Cap. 1. Lack of communication and misinformation long remained a significant cause of the lordship's problems.

[111] This appears to have been a phenomenon characteristic also in England proper. However, the frequency of Irish parliaments up until the passage of Poynings' Law far outstripped the frequency of the English parliaments that were called: seven in England compared to fourteen parliaments or great councils in Ireland. As Hoyle points out, collective petitions, 'and the act of petitioning, were perhaps one of the key mechanisms of interaction between popular politics and the state, or, if one wishes, it was another "point of contact" between governed and government.' Nevertheless, he says, collective petitions were 'a small minority of the whole,' which were generally 'ephemeral, transitory documents…[which] poses problems for the historian.' Hoyle, 'Petitioning as Popular Politics', pp. 366-7. Quinn notes that when a parliament was requested in 1498, '[the] double subsidy of 1494 was to be replaced by a single subsidy to last for a period of ten years, which suggests that Kildare did not intend to call parliament frequently.' Quinn, 'The Hegemony of the Earls of Kildare, 1494-1520', *NHI (1169-1534)*, vol. 2, p. 649.

[112] D.B Quinn, 'The Bills and Statutes of the Irish Parliaments of Henry VII and Henry VIII', *Analecta Hibernica*, 10 (1941), pp. 71-169, pp. 74-75.

bearing on how the treatises of 1515 and beyond should be interpreted. Acknowledgement of the hiatus in communication between the Irish polity and the crown, unwittingly caused by the introduction of Poynings' Law, permits us to posit some reason for the sudden appearance Bradshaw's 'reform milieu' in the Pale in 1515. Notably, that reason distinguishes itself from his hypothesis of an nascent sense of Irish nationalism as responsible for the emergence of a native Anglo-Irish reforming party, or David Edward's notion that instability and violence amongst the native Irish on the march borders elicited increasingly coercive and purely reactionary, as opposed to programmatic, propositions for reform.[113] It was, rather, a significant breakdown in the traditional parliamentary modes of communication that impelled renewed and sometimes strident calls for reform.

Conclusion

Ireland in 1500 remained a land where Gaelic and English tenurial and inheritance practices were at odds, where feudal service clashed with kinship allegiances and inter-tribal alliances, and where endemic small-scale, local warfare over livestock and grazing areas contrasted with sedentary colonial settlement focussed on tillage. The crown's response to problems caused by cultural admixture were frequently in the form of legislation, whose efficacy was often questionable. The issue of English claims and legitimacy in Ireland was less obvious and subject to changing intellectual trends, particularly the advent of Renaissance humanism and English notions of the commonweal. Approaches to these ideas gradually evolved and found expression in the context of early sixteenth-century Ireland. In order to manage the lordship effectively and defend English holdings, the crown leveraged the authority and manpower of Anglo-Irish magnates like Kildare. This arrangement, however, relied upon a precarious balance between loyalty and self-interest. The crown's attempt to mediate that balance came in the form of legislation passed at Poynings' parliament. But the inadvertent result of Poynings' Law was to disrupt the traditional flow of discourse between the crown and its Anglo-Irish community, leading to a search for new modes of dialogue. That search found an effective foil in the

[113] See Chapter 1 section, 'Reform'. Edwards, 'The MacGiollapadraig lordship', *Gaelic Ireland, c. 1250-c. 1650: Land, Lordship and Settlement*, pp. 78-9.

intellectual and political energies of the new English monarch, Henry VIII, who had himself succeeded to the throne in 1509.

Chapter 2 – The Treatises of 1515

Introduction

In 1509, Edmund Golding, a gentleman of Drogheda,[1] wrote to Thomas Butler, seventh Earl of Ormond (*d*. 1515), a prominent nobleman living in England who had intimate connections at court.[2] Golding requested his favour in the matter of a series of land-grants, and to 'be goode lord to my son in lawe Patrike Fyn[glas].' The letter is predominantly concerned with securing Golding's right to the fee farm of the mill of Blackcastle and Donamore.[3] While there is ostensibly little to recommend it as a piece of reform literature of the substance of later compositions, historian Gerald Power nevertheless regards Golding's letter as one of the earliest examples of reform literature.[4] And it is indeed noteworthy insofar as it supplies the historian with some small insight into the social milieu of the Pale in the few years leading up to the beginning of the *State Papers*.

As Power points out, Golding took some time – perhaps hoping the plea would make its way to the king or his council – to unequivocally assert his English identity, likening himself to the renowned William Darcy, who Golding describes as one of few in Meath to dress in the English manner.[5] Golding also appears to have anticipated concerns that would be expressed by Darcy and Finglas in 1515, complaining to Ormond that without intervention native Irish customs and peoples would soon infiltrate the Pale. In this way, he gave brief but definitive expression to fears about the fate of English identity in the Pale, while declaring the inviolability of his own

[1] He sometimes referred alternately as being 'of Pierston' or of 'Pierstonlaundy'. Ellis observes that he 'served as coroner in 1485-86, as collector of subsidy for Duleek and Navan baronies in 1498, and as escheator and clerk of the market in 1499-1500. He was even knight of the shire for Meath in the 1499 parliament.' In spite of activity in official circles, however, at his death 'the wardship of his estates was worth barely 20s. a year to the exchequer.' Steven G. Ellis, *Defending English Ground: War and Peace in Meath and Northumberland, 1460-1542* (Oxford, 2015), pp. 95, 170.

[2] Butler had supported Henry VII early in his reign and was at times a member of the king's privy council. Bryan, *Great Earl of Kildare*, pp. 106, 163.

[3] *Calendar of Ormond Deeds (1409-47)* (Dublin, 1937), vol. 4, Cap. 76, pp. 356-58.

[4] Gerald Power, *A European Frontier Elite: The Nobility of the English Pale in Tudor Ireland, 1496-1566* (Hannover, 2012), p. 63.

[5] White notes that Golding was the cousin of Thomas Kent, Chief Baron of the Exchequer in 1503-4. White, 'The Tudor Plantations in Ireland Before 1571', p. 25. Kent was himself a cousin of William Darcy, lending to Ellis' observation that, in Meath at least, this 'was a close-knit regional society.' Ellis, *Defending English Ground*, p. 89.

identification as neither Irish nor Anglo-Irish but, rather, as an Englishman. Such fears, more officiously expressed, had featured in legislation in the preceding decade, as well as statutes and petitions throughout the preceding century.[6]

These official expressions, combined with Golding's informal but no less explicit declaration, lend credence to Ellis' so-called 'two nation theory', which asserts that Palesmen identified resolutely as English.[7] For example, in a letter of the parliament held before the lieutenant, John Sutton, Lord Dudley, in 1428, the treatment the Anglo-Irish travelling in England is described as one fraught with mortal danger. Those, they say, travelling in England 'from Chester to Coventre, Oxenford, and London' have reported being robbed, arrested, and beaten. For his part, they requested the king to ensure 'that such mysgov[e]rnaunce be restreined and chastised.' In addition, messengers of the parliament were reported to have been mistreated while travelling in England on the king's business. The fact is, the authors of the letter fairly bristle, they 'sholde be goyng and comyng, and werev[e]r at that tyme undyr yor g[r]acious proteccion.' A request was accordingly made that the malefactors be punished. But should their requests appear too forward, the petitioners remind him that 'we ever have and shall be your trewe liege men, and myche sorrow suffre from day to day, here of yor enemyes for yor sake, thogh we have none there.'[8] The authors of the letter seem to say: we war with the native Irish in Ireland because we are loyal Englishmen, and as such we should find ourselves amongst our own when travelling in England proper. In spite of the passage of 250 years, the Anglo-Irish ancestors of those men who had accompanied Henry II during the invasion of Ireland c. 1169-71 vehemently identified as English.

There appear to have been other Goldings active in the Pale's circle of officialdom. Legal historian F. Elrington Ball has recorded that a Richard Golding was the son of one Edward Golding. The latter occupied the position of Baron of the Exchequer from 1491-5, and his son would attain the

[6] In addition to the following, see also, for example: William Betham, *The Origin and History of the Constitution of England and of the Early Parliaments of Ireland* (Dublin, 1834), p. 357.
[7] Steven G. Ellis, '"More Irish than the Irish Themselves"? The "Anglo-Irish" in Tudor Ireland', *History Ireland*, 7, 1 (1999), pp. 22-6, *passim*; Steven G. Ellis, 'Nationalist Historiography and the English and Gaelic Worlds in the Late Middle Ages', *Irish Historical Studies*, 25, 97 (1986), pp. 1-18, p. 3. But *cf.* Kenneth Nicholls, 'Worlds Apart? The Ellis Two-Nation Theory on Late Medieval Ireland', *History Ireland*, 7, 2 (1999), pp. 22-6, pp. 22-24, and *passim*.
[8] Betham, *Constitution of England*, pp. 355-6.

post of Chief Baron of the Exchequer in 1511 and 1515.[9] But Edmund may also have had a son named Richard, and the paucity of sources should reserve some small consideration that Edmund and Edward may have been the same person. He was certainly, as his letter indicates, the father-in-law of Patrick Finglas, and – if he is to be identified as Edward Golding – his son, Richard, would go on to marry William Darcy's daughter, Margery in 1512.[10]

In either case, what is clear is that Edmund Golding had reasonably deep connections with the Pale administration, and his letter gains significance in light of that relationship. Edmund, then, was both in a position close enough to the central administration to have a grasp of the political situation in the Pale, and to have hoped to have been able to secure an influential ear. Most significant, perhaps, were his connections with the Pale elite. Indeed, Power asserts that Golding 'was at the heart of an anti-Kildare lobby,' and his ongoing legal battles with Walter Eustace, who Kildare refers to as 'my trusty servant', lend support to that claim.[11] While conjectural, it is worth suggesting that his ideas, though perhaps failing to interest Ormond, nevertheless caught the ears of his kinsmen by marriage, Patrick Finglas, and perhaps William Darcy.

Composed in 1509, Golding's letter is among the earliest non-parliamentary expressions of anxiety relating to the erosion of English identity, but it nevertheless continued the pattern of similar concerns expressed in sporadic parliaments in the early decades of the sixteenth century.[12] It may also have set a rudimentary template for those who, just a few years later, would go on to pen increasingly complex treatises of reform.

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[9] Ellis, *Reform and Revival*, p. 222.

[10] Positive identification is made difficult owing to the similarity of names and possible errors of transcription. Ball refers solely to Edward Golding of 'Blackcastle', one-time collector of Drogheda, and his son Richard, who married Darcy's daughter, Margery. But there is a letter dated to between 1504-11 from a certain Margaret of 'the blak Castell' to the Earl of Ormond, who the editor of the *Ormond Deeds* infers was also 'wif to Ric[hard Goldyng (?)].' F. Elrington Ball, *The Judges in Ireland, 1221-1921* (New York, 1927), pp. 188, 191; *COD (1509-47)*, vol. 4, Cap. 77, p. 358.

[11] Power, *European Frontier Elite*, p. 63; *COD (1509-47)*, vol. 4, Cap. 87, p. 366. For the enmity between Golding and Kildare's servant, Walter Eustace, see also: *COD (1509-47)*, vol. 4, Cap. 88, p. 367, Cap. 86, p. 365.

[12] See, for example, the concerns of the commons enrolled in the parliament of 1508-9: Quinn, 'Bills and Statutes of the Irish Parliaments', pp. 105-7. On the phenomenon of large-scale 'petitioning movements' offering 'wholesale critiques of society and government [seeking]…the redress of grievances,' see: Hoyle, 'Petitioning as Popular Politics', p. 389.

Two such early treatises were composed in 1515. The first comprises William Darcy's 'Decay of Ireland'; and the second, Patrick Finglas' 'A briefe note of the gettinge and decaye of Ireland'. Both men held, and would hold, important positions in the administration of the lordship, and so were well-situated to offer the crown commentary on the 'decayed' state of Ireland in 1515. What makes these treatises important however is not so much their format and content, but their intended audience. Unlike Golding's letter, or the earlier parliamentary petitions and literature of complaint, these treatises appeared to have been written directly to and for the crown.

Their format and content reflect a conservative mode of remonstrance consistent with the fifteenth century, providing accounts of events that culminated in and contributed to a perceived state of political and social decay, most notably in the region of the Pale around Dublin. Yet they differ from subsequent reform tracts in that they supply little by way of suggestions for remedy, relying more simply on the implication that, for example, the situation in the Pale might have been more favourable had the tenets of the 1366 Statutes of Kilkenny, including laws against the adoption of native Irish customs and extortions, been more assiduously observed by the king's subjects and enforced by local officials. One key addition in both treatises, however – and one that reflected Golding's concerns – was an emboldened attack on the part played in governance by the great magnates of the lordship.

The timing of the treatises' appearance, and their locus alongside contemporaneous protests by men like Golding, may have been a consequence of constrained lines of communication between the lordship and the crown resulting from the enactment of Poynings' Law. They also may have represented a response to calls from the crown for input from the lords and gentlemen of the Pale in order to gain a clearer picture of the many problems – economic, social, and political – faced by the Dublin administration in the early years of the sixteenth century.

The limitations and restricted expression of the treatises notwithstanding, they nevertheless warrant more intensive scrutiny to further contextualise them in the continuum of early Tudor reform discourse relating to Ireland. These treatises inaugurated a prolonged period of reflection,

recapitulation, and refinement of old ideas for reform, and formulation of new ones, that would influence the course of administrative culture in the lordship in ensuing decades.

William Darcy's 'Decay of Ireland' (1515)[13]

By 1515, William Darcy (*c*. 1460-1540), a gentleman from Meath with an Anglo-Irish pedigree extending back to the reign of Edward III, had long been a servant of the crown.[14] He had received training in Dublin before undertaking to study law in London at Lincoln's Inn and was present there for the accession of Henry VII in 1485.[15] Two years later, back in Dublin, he was complicit in the crowning of Lambert Simnel as Edward VI.[16] But Darcy seems to have been readily able to yield to the pressures of the time, abandoning his Yorkist sympathies like so many others to take the oath of allegiance to the new Tudor monarch. By 1493, he had been knighted and was embarking on a long and successful career as a civil servant in the Dublin administration and at the eighth Earl of Kildare's baronial court.[17] Although his manor at Rathwire was threatened with resumption during the viceroyalty of Edward Poynings (*c*. 1494-95), and the matter would not finally be resolved in Darcy's favour until 1512, his value as a civil servant was nevertheless recognised by the succeeding governor, Henry Deane, Bishop of Bangor, who appointed him sheriff of Meath and subsidy collector for the barony of Farbill. He was reappointed to that position in 1500 by the Earl of Kildare, who had resumed the deputyship in 1496, and would remain deputy until the earl's death in 1513. He was made also receiver-general in 1501, a position boasting expanded powers while the office of under-treasurer remained vacant.[18]

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[13] 'The Causes of the sore decaye of the Kinges Subiectes of Ireland', LPL Carew MS 635, fos. 188r-189r; 'Decay of Ireland', *CCM*, vol. 1, Cap. 2.

[14] John Darcy of Knaith, a gentleman of north England, received grants of the County Meath manors of Rathwire and Kildalkey under Edward III, as well as lands in Louth *c*. 1401-8. Steven G. Ellis, 'An English Gentleman and His Community: Sir William Darcy of Platten', in *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, (eds.) Vincent P. Carey and Ute Lotz-Heumann (Dublin, 2003), pp. 19-41, p. 19; *CCM: Book of Howth*, vol. 6, pp. 430-31.

[15] Ellis, 'William Darcy of Platten', *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, pp. 19-20 and 29.

[16] See Chapter 1. *CCM: Book of Howth*, vol. 6, p. 188.

[17] Ellis, 'William Darcy of Platten', *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, pp. 29-31.

[18] Significantly, Darcy would therefore have been aware of the diminished revenue returns for the year 1501-2, which amounted to some £1,110 (with the subsidy levied by that year's parliament only accruing £500), and the likelihood that 'Kildare was taking directly into his hands a substantial share of the revenues from royal lands,'

Darcy's duties, therefore, were 'unusually wide, affording him a deep insight into the lordship's administration,' and made him primarily responsible for collecting most of the crown's Irish revenues.[19]

Kildare's evident esteem for Darcy would have been augmented by the latter's participation at the Battle of Knockdoe (1504), where according to the chronicler of the *Book of Howth* Darcy was struck 'such a blow' by the enemy as to 'put Darsey upon his knees.' His misfortune was doubtless painful, but it was brief, for Kildare's army went on to secure victory. Opportunities for nobles wanting to serve in the Pale administration had been on the wane after 1494-5 as parliament was called less frequently, but military service remained a significant avenue available to nobles to contribute to its defence, and played an important role in how they were judged by their contemporaries.[20] In spite of the *Book of Howth*'s manifest embellishment, Darcy – a gentleman – and his mention alongside the nobles of the Meath perhaps gives some indication of the regard in which he was held,[21] and reinforces Ellis' observation that there was a relatively narrow economic, and perhaps social, gap amongst the gentry and nobility of Meath.[22]

William Darcy had by all accounts done well for himself under the eighth Earl of Kildare. He had done so well, in fact, as to be considered one of the wealthiest men in Meath, with income from his lands amounting to about £150 a year.[23] By way of comparison, Lords Dunsany, Slane, and Delvin's incomes averaged around £157.[24] In Meath, nobles and gentry were, economically and perhaps – if we give credence to the *Book of Howth*'s account of the Battle of Knockdoe – in some ways socially, on relatively equal footing. Landed income was not necessarily representative of

bypassing the exchequer. It was a pattern that would continue through 1506. Quinn, 'The Hegemony of the Earls of Kildare, 1494-1520', *NHI (1169-1534)*, vol. 2, pp. 651-2.

[19] Ellis, 'William Darcy of Platten', *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, p. 31.

[20] 'Peers were liable to attend up to three general hostings a year – perhaps 120 days in the saddle along with their contributions of troops – as well as official "roads" or "journeys" of shorter duration into the Gaelic lordships.' Power, *European Frontier Elite*, p. 53.

[21] In this particular account, the Lords Gormanstown, Howth, Killeen, Trimleteston, Dunsany, and the Barons Delvin and Slane, are also featured. *CCM: Book of Howth*, vol. 6, pp. 181-85.

[22] Ellis, 'William Darcy of Platten', *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, p. 28.

[23] Ellis, however, does remind us of the relatively diffuse nature of wealth and power in Meath compared to magnate-controlled areas such as those of the earls of Kildare and Ormond. Ellis, 'William Darcy of Platten', *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, p. 29.

[24] It is worth noting for the sake of comparison that the Earl of Kildare managed some £1,585 per annum. Power, *European Frontier Elite*, pp. 54-5.

social status, but in those instances where the gentry were perhaps at a relative disadvantage, they could compensate for a lack of income through control of prestigious administrative offices. They were often to be found making up the peace commissions as sheriffs, knights of the shire, coroners, escheators, clerks of the market, or as subsidy collectors in the localities.[25]

Both the lesser nobility and gentry of the Pale would have been vulnerable to the consequences of Poynings' Law. If they fell out of favour with Kildare, or were marginalised from the central administration, they would have lost one of the paramount means at their disposal to leverage influence. The king's courts in Ireland, which had usually offered official means of seeking redress to problems, were also reportedly compromised, and calls for their reform came to feature prominently in some future treatises. The author of the 'State of Ireland', for example, describes how the subjects of the lordship have been 'so grevyously vexyd dayly with the said courtes.'[26] The only other option, the parliamentary petition, by which means they might take their issues up with a higher authority, had been all but lost in the wake of Poynings' Parliament. What remained was a system of patronage and political networks that had been gradually built up in the latter half of the fifteenth century, a system into which they had been incorporated and relied upon for the defence of their Pale holdings. This was the system of so-called 'bastard feudalism', which Bradshaw describes as: 'the enhancement of the power and status of the magnates at the expense of monarch and lesser lords alike, this facilitated by a new system of military organisation which enabled the magnate to base his political power on a standing army rather than on the feudal host.'[27] In the Irish context in the early sixteenth century, it was a system that rested on the broadening wealth and influence of the earls of Kildare, as well as the adoption of numerous native Irish practices of levying fines, or, as the reformers protested – extortion.[28]

In September 1513, the eighth Earl of Kildare died of a wound sustained two years earlier. His son assumed the title as ninth earl and was quickly elected justiciar and confirmed to succeed as deputy by Henry VIII. Generally, the transition seemed a smooth one. But around the same time,

[25] Ellis, 'William Darcy of Platten', *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, pp. 28-9.
[26] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 9.
[27] Bradshaw, *Constitutional Revolution*, p. 20.
[28] Power, *European Frontier Elite*, p. 56-62.

Kildare dismissed Darcy from his baronial council and replaced him as under-treasurer with his father-in-law, Christopher Fleming, Lord Slane. There had been no indication that the old eighth Earl of Kildare had had any misgivings about Darcy, nor Darcy about Kildare rule in the lordship, and the motives for his dismissal by the ninth earl remain unknown.[29] But what is understood is that two years later in 1515 Darcy travelled to London around the same time as Kildare to attend a meeting with the king at Greenwich, though little is known of the specific reasons for, and circumstances of, the gathering.[30] John Rawson, Prior of Kilmainham, was also in London on the eve of the meeting. He, Kildare, and an unnamed archbishop (possibly John Kite, of the see of Armagh) are reported by the Venetian ambassador, Sebastian Giustinian, to have dined with the king and the Duke of Norfolk. Other Irish officials, notably William Rokeby, Archbishop of Dublin, and the new vice-treasurer, Lord Slane, may also have been in attendance at the meeting.[31]

The 1515 Greenwich Meeting

It is difficult to say what exactly prompted the Greenwich meeting.[32] It is possible that it represented the beginning of a broader campaign to reform the far-flung dominions of the crown. In Calais, for example, calls for reform, and attempts to remedy problems there paralleled similar attempts in Ireland, Wales, and the northern regions bordering Scotland. Historian G.A.C. Sandeman notes that the defences of Calais were much neglected until around the 1520s. Yet interestingly, in the context of a possible broader reform movement, shortly after the Greenwich

[29] Ellis, 'William Darcy of Platten', *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, p. 33.
[30] Kildare was in London by 10 May; the meeting at Greenwich was held on 24 June. Ellis, 'William Darcy of Platten', *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, p. 33.
[31] The Venetian ambassador, Sebastian Giustinian, describes a gathering just prior to the meeting at Greenwich, where Henry 'gave us a dinner, which was served with incredible pomp; and at our table there was an Archbishop, the Duke of Norfolk, the Treasurer, the Admiral, the Viceroy of Ireland, the Grand Prior of St. John's, and others.' The editor of Giustinian's record surmises that the 'Archbishop' was '[p]robably the Archbishop of Armagh,' John Kite, while the Grand Prior of St. John's (Prior of Kilmainham) was John Rawson. Sebastian Giustinian, *Four Years at the Court of Henry VIII* (London, 1854), vol. 1, pp. 91, and n4, n5, and n6 on p. 93. Ellis reports that Kite, Rokeby, Inge, Rawson, Darcy, and 'possibly Lord Slane,' Christopher Fleming, 'were apparently also called over.' But he also concedes that 'it is unclear which, if any, of the Irish council were present at this session.' Ellis, *Tudor Ireland*, pp. 32, 102. The evidence, however, only shows us with any degree of certainty that Prior Rawson and William Darcy were in London at the time of the meeting. That Kite and Rokeby may have been there is based on their presence six months later, at a ceremony in November, celebrating Wolsey's acquisition of the cardinalate. *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII (1515-16)* (London, 1864), vol. 2-1, Cap. 411, p. 120; *LP (1515-16)*, vol. 2-1, Cap. 1153, p. 303.
[32] Peter J. Gwyn, *The King's Cardinal: The Rise and Fall of Thomas Wolsey* (London, 2011), p. 242.

meeting, in 1518 'several members of the Council presented an earnest address to Wolsey on the subject of the state of Calais.'[33] Similarly, sometime between 1516-20, a jurisdictional dispute between the mayor of Calais and the mayor of the staple was imputed to be the cause of decay within the town as a whole. A letter entitled 'The jurisdictions of the two mayors in Calais, and decay of the town' was composed, appealing to the king to intercede to set matters aright and restore prosperity, and listing the names of those 'noblemen of Ingland havyng possessions and landys within this towne, whiche be fallen in rwyne and decay, wherby…the kinges highnes is defeted of his rentes.'[34] The implication appears to be that several of the landowners, as in Ireland, were absentees, and unable or unwilling to contribute to the upkeep of their holdings. In Calais, by 1523, £2,000 had been invested by the crown for the repair of its walls.[35] Nevertheless, in a letter of 11 June 1527, Wolsey wrote to the king of the continuing disorder in Calais, which lacked basic building material, proper victualling, and payment of soldiers' wages. The king responded by issuing 'A Proclamation for the reparacion of the decayed houses and buildinges in the towne of Calys' on 12 October 1527. The persisting issues culminated in a 'Device for the Fortification of Calais',[36] issued in 1532, notably, some fourteen years after the initial complaint. As we shall see in the lordship of Ireland, reform could also take some time for its wheels to grind into motion.[37] But the overall pattern suggests that the impetus for reform may, in fact, have been part of a broader dialogue between the crown and its dominions. In this light, it points to a more active and contributory role in reform for the king and his London councillors than Bradshaw's thesis of a Pale-based Anglo-Irish reforming milieu allows.

[33] Sandeman does not mention where this might be found, but one would suspect the *State Papers*. G.A.C. Sandeman, *Calais Under English Rule* (Oxford and London, 1908), pp. 37-8.
[34] J.G. (ed.) Nicholas, *Chronicle of Calais* (London, 1846), pp. 110-11.
[35] Nicholas, *Chronicle of Calais*, pp. 98-99.
[36] Sandeman here cites: Nicholas, *Chronicle of Calais*, p. 125.
[37] Concerns in Calais, like Ireland, persisted for some time. In 1535 there was a request for an 'Inquest into the state of Calais', asking for information relating to treasonous activities and an appraisal of the Calais officials, 'whatsoever he or they bee,' desiring to make certain that they 'have doon and observed their duetie and dueties in all thinges, as unto their offices and rowmes apperteigneth; and of the defaultes, negligences, extorcions, conceilmentes, oppressions, and exaccions committed or doon by theym or any of theym.' Concerns were raised also over the circumstances of the soldiers there and whether 'every of theym at all tymes have been fournysshed with horse and harneys accordingly.' In Calais, as in Ireland, many of the same concerns were raised throughout the early half of the sixteenth century. Calais itself fell to the French during the reign of Mary I, in 1558. Nicholas, *Chronicle of Calais*, pp. 133-5.

The meeting at Greenwich in 1515, however, may also simply have been the culmination of numerous disparate factors. The death of Henry VII in 1509 had automatically annulled Kildare's deputyship and resulted in the customary requests by the new king for the earl to attend court. The previous, eighth earl's ability to maintain stability in the lordship had faltered shortly after his victory at Knockdoe: O'Brien of Thomond had succeeded in building and defending his bridge over the river Shannon, gaining an important victory over the combined forces of Kildare, Desmond, and O'Donnell in 1510. Perhaps sensing his own vulnerability, and not wanting to lose his deputyship, Kildare had prevaricated over Henry's requests to come to London.[38] In spite of his recent misfortunes he was nevertheless confirmed as deputy later that year. But his defeat, wounding, and his subsequent decline would have increased concerns amongst the Pale elite as well as the crown regarding his ability to maintain order in the lordship. It may have been this concern amongst Pale officials, or the crown itself, that spurred the summons to Greenwich.

The situation inherited by the eighth earl's son, though far from irretrievable, was not an ideal one. The accession of a new king and Kildare's assumption of his father's title necessitated the forging of a new working relationship. Already, during the eighth earl's decline, Henry had sent three Englishmen to Ireland: Hugh Inge as Bishop of Meath, John Rawson as Prior of Kilmainham, and William Rokeby as Archbishop of Dublin and Chancellor; a year later he would send John Kite as Archbishop of Armagh. The young Kildare earl, now 25, would have to convince a re-invigorated and increasingly anglicised council, as well as the new king, Henry VIII, of his ability to match his father's renown. It would not have been an easy task: after his death, Philip Flattisbury, a clerk of the exchequer, described the late eighth earl as

> first and foremost as the representative of English power in Ireland. [Kildare] was said to have occupied the place of deputy for thirty-three years and to have excelled all other deputies. He had done so by overthrowing and prosecuting the "Irish enemies" of the king, reducing them by his strong hand to the king's peace. He was said to have built castles, fortifications, towns, and bridges in many parts of Ireland long devastated, more especially on the Pale borders, for the future protection

[38] Quinn, 'The Hegemony of the Earls of Kildare, 1494-1520', *NHI (1169-1534)*, vol. 2, pp. 654-5.

> of the king's subjects. A man as great in stature as in achievements, he had been active, good, and merciful.[39]

The ninth earl, then, had significant obstacles to overcome, though they primarily had to do with matters surrounding the perception of his abilities to control the native Irish and appease the Palesmen. It is important to note, however, the king's willingness to pay some mind to the lordship – in spite of perennial accusations of negligence – by appointing the Englishmen, Inge, Rawson, and Rokeby, whose high ecclesiastical offices made them *de facto* members of the Dublin council and accordingly well-positioned to keep an eye on the new earl and his activities as deputy.

It appears that the new earl had some success in maintaining the *status quo*, and he may in one respect have improved matters. According to the *Annals of the Four Masters*, the years both before and after his father's death were among the most tumultuous in Ireland in the early sixteenth century. Amongst the more significant clashes in 1512 were three initiated by O'Donnell against O'Neill, Burke and O'Connor Sligo; one by O'Neill against Maguire; one by Maguire against McGuaran; and one by O'Reilly against Maguire; as well as two hostings by Kildare, one into Connacht, and the other into Down and Antrim. Disorder amongst the Irish continued the following year. By 1514, things were no better, with numerous incursions by O'Donnell against a variety of enemies; an internal dispute involving the O'Neills; and further hostings by Kildare against native Irish septs in close proximity to the Pale.[40] The following years, however, the annalists' reports show a decline in the chaos that had marked the previous three. The succeeding years until 1521 show a pattern of decreasing violence, both in terms of warfare between the native Irish as well as in terms of hostings by the deputy against the native Irish.[41] In this respect, the young ninth earl's term as deputy appears to have opened somewhat successfully.

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[39] Quinn, 'The Hegemony of the Earls of Kildare, 1494-1520', *NHI (1169-1534)*, vol. 2, p. 656.
[40] The *AFM* reports that the eighth earl died after failing to take the castle of the O'Carroll's, during his return to the Pale to muster more forces. Although his death is generally dated to 1513, it is here calendared under the entry for 1514. *The Annals of Ireland (Translated From the Original Irish of the Four Masters)* (Dublin, 1846), pp. 371-3.
[41] *AFM*, pp. 375-8.

While the overall pattern of violence thereafter seems to decrease according to the annals,[42] it is evident that around the time of the 1515 meeting at Greenwich that Henry had good cause to be wary of Kildare's abilities to protect the Pale. The king appears afterwards to have retained confidence in him, but it may be that there was a growing sense amongst the crown and members of the Pale elite – men like Edmund Golding, William Darcy, and Patrick Finglas – that circumstances in Ireland required something beyond what the young earl could offer. In Darcy's case, such a notion was perhaps exacerbated by his recent dismissal by the ninth earl.

Darcy's Treatise

William Darcy is recorded in a late sixteenth-century manuscript copy of his tract as having presented his 'Decay of Ireland' to the English council at Greenwich on 23 or 24 June 1515.[43] His

[42] Nevertheless, there are some signs of disturbances in 1516, when several of the Anglo-Irish magnates begin to get caught up in disputes fuelled by disagreements over succession and complicated by their respective alliances with the native Irish. An heir of the earldom of Desmond, James McMaurice, is reported to have laid siege to 'Lough Gair' in what was described as a war amongst the Geraldines; he was joined by the McCarthys, the Fitzgerald knights of Glin and Kerry, O'Connor of Kerry, and McCarthy More. The Earl of Desmond's son, John, went to his kinsman by marriage, O'Brien, who offered him support; notably, they were joined by Piers Butler, by now the *de facto*, new Earl of Ormond. In the event, James, on noting the strength of the opposing army, backed down and withdrew. The following year, Thomas Burke of Connacht carried off cattle from Ormond, but was in turn attacked in the region of Galway and killed; and Kildare made advances against O'Neill and O'Carroll in response to the latter's invasion of Delvin in the Pale marches, capturing its castle, Cinncoradh (Castlecorr). *AFM*, pp. 356-72, and 374-5 for James McMaurice's siege. For details of the Desmond succession in the early sixteenth century, see: McCormack, Anthony M., 'Internecine Warfare and the Decline of the House of Desmond, *c*. 1510-*c*. 1541', *Irish Historical Studies*, vol. 30, 120, pp, 497-512.

[43] The *CCM* records the meeting as having happened on 24 June 1515, whereas the Hatfield Compendium, whose copy was made some fifty years before the version that appears in the *CCM*, records it as 23 June. 'Decay of Ireland', LPL Carew MS 635, fos. 188r-189r; 'Decay of Ireland', *CCM*, vol. 1, Cap. 2, p. 8. Maginn and Ellis present a copy of Darcy's treatise from the Hatfield Compendium: Maginn and Ellis, *Tudor Discovery*, pp. 91-3. See also their discussions relating to it at: pp. 45-8, and 141-2. In addition to some very minor differences, the Hatfield Compendium provides four articles that did not appear in the *CCM* version of Darcy's articles. In them, Darcy reflects upon the absence of archery and its implements; and the decline in English habiliments, law, and language. He subsequently links these to a perceived economic decline in the colony, where the Anglo-Irish 'ben worse then they were wythin the saide xxx^{ti} yeres by xl thowsande markes.' In another article, however, he points out nevertheless that the revenues had been better in the previous 24 years (about the period that Darcy had been in charge of revenues) than they had been in the past 60. Darcy complains in the second additional article that 2,000 marks (noting that a mark was roughly two-thirds of a pound) 'wyll not repayre the kynges castelles and maners.' This was roughly the amount then being collected in the parliamentary subsidy. Quinn, for example, notes that on the eve of the sixteenth century, the subsidy amounted to some £1,300 (or about 2,000 marks), and that – just as Darcy had pointed out in his previous article – 'before 1534 there had been a further downward trend in the yield.' In a final article, Darcy once more complains about the use of coyne and livery. While he recognises attempts to abolish it, he also points out that legal measures have not been effective, 'for…they be not put in execution,' and 'no man regardeth them.' Maginn and Ellis, *Tudor Discovery*, pp. 92-3; Quinn, 'The Irish Parliamentary Subsidy', p. 230.

tract begins with a brief itemisation of concerns, followed by a more expansive section consisting of a further four items intended to address to the historical causes of decay in the lordship reaching back as far as the fourteenth century. The initial items described relate to: coyne and livery; war made without the consent of the council; other extortions levied on inhabitants; the adoption of Irish customs by the Englishry; intermarriage with the Irish; and engagement in cuddies or night suppers.[44] The subsequent items expand on these, framing them within a narrative focussing primarily on the precedent of avaricious conduct purportedly exhibited by the seventh Earl of Desmond (*d*. 1468), deputy from 1463-7; the abeyance of English rule in Ulster as a result of absentee lords; the decay of English language, clothing, and customs within the Pale; and the consequent threat of the economic ruin of the nobles and gentry of the Pale who, 'without brief remedy be had…must sell their lands, or else depart them.'[45]

According to Darcy, the practice of Anglo-Irish lords utilising native Irish customs of purveyance, enabling them to off-set the sorts of expenses involved most prominently in military expeditions, evolved in the mid-fifteenth century. Coyne and livery in particular is attributed to the sixth and seventh earls of Desmond. Darcy describes how at that time James Fitzgerald (*d*. 1462), sixth Earl of Desmond, had 'about 2,000 marks a year of lands, rents, and customs.'[46] Desmond's proximity to Waterford, Cork, Kerry, and Limerick enabled him, by means of coyne and livery, to extend his authority in those areas, increasing his holdings such that 'now his heirs as they receive it, everything accounted, may dispend 10,000*l*. yearly.' Some forty years later in those regions,

> the King's laws be not used, the King ne his Deputy not obeyed, [and] the King have lost half his rents and revenues, and the lords and gentlemen of the same be in no better case than the wild Irish, for they use Irish habit and Irish tongue.[47]

[44] 'Cuddies' were a form of exaction 'which provided for the entertainment of the earl and his entourage on his frequent excursions through his territory.' Nicholas Canny, *The Elizabethan Conquest of Ireland: A Pattern Established, 1565-76* (New York, 1976), p. 21; Nicholls, *Gaelicised Ireland*, p. 34.
[45] 'Decay of Ireland', *CCM*, vol. 1, Cap. 2, p. 8.
[46] 'Decay of Ireland', *CCM*, vol. 1, Cap. 2, p. 7. This compares semblably with the ninth Earl of Kildare's considerable revenues some 50 years later of around £1,500. Steven G. Ellis, *Tudor Frontiers and Noble Power: The Making of the British State* (Oxford, 1995), p. 125.
[47] Given the ninth Earl of Kildare's yearly income of some £1,500, Darcy's claim that Desmond could 'dispend 10,000*l*.' hardly seems credible. 'Decay of Ireland', *CCM*, vol. 1, Cap. 2, p. 7.

Coyne and livery had therefore significantly contributed to the ability of the earls of Desmond to cultivate and maintain a considerable independence from the jurisdiction of the crown.

It was sometimes imputed by contemporaries that Irish customs were a sort of contagion. Others seemed to have regarded them as more benign than damaging. The adoption of Irish customs over the course of 400 years of English settlement must have been expected: fashions, particularly for those that could not afford it, were bound to be dictated by local availability; and trade and diplomacy could hardly have evolved without some knowledge of local languages.

For his part, however, Darcy appear to have regarded acculturation more as a symptom, while the cause itself was the extortionate practices of the native Irish which had been adopted by local magnates and vice-regal officials. Darcy describes how James Fitzgerald's son, Thomas, seventh Earl of Desmond, disrupted the order of the Pale itself when he was deputy from 1463-7. His imposition of coyne and livery would have meant the bivouacking of troops into the Pale, and the price of their upkeep would have come from the siphoning of the produce and profits of mainly Anglo-Irish landowners. This repeated drain on the wealth of the Pale elite, Darcy argued, jeopardised their economic position and their ability to survive.[48]

Even in 1515, Darcy observed that the wives of the deputies 'go to cuddies and put coyne and livery in all places at their pleasure, and do stir great war,' so that 'all the King's subjects…be near hand Irish, and wear their habits and use their tongue,' and the lands of the lords and gentlemen of the Pale 'be made waste' such that they may have to sell their lands.[49] As Golding had noted, the implication was that Irish tenants, kern, and galloglasses would move in to replace the Englishry. The adoption of Irish language and dress was but a mid-point on trajectory marked at its beginning by the adoption of the native Irish custom of billeting soldiers on the lands of the Pale gentry and nobility, and at its terminal end by the catastrophic economic and social ruin of

[48] 'Decay of Ireland', *CCM*, vol. 1, Cap. 2, p. 8.
[49] 'Decay of Ireland', *CCM*, vol. 1, Cap. 2, p. 8.

the Pale. The only possible result was abandonment, an evacuation of the lordship by its English inhabitants and surrender of their lands to the 'wild Irish'.[50]

Darcy also takes the time to criticise the office of lord deputy as it had evolved since the mid-fifteenth century. For the deputy, presumably based on the precedence of his Fitzgerald predecessors, now makes war without the assent of the council. But Darcy is critical, too, of the recent departure from English cultural norms seen in the Butlers of Kilkenny and Tipperary. Their deviation he attributes to the success of Desmond in extending his authority in the previous century; mimicking him, they too have begun to exact coyne and livery.[51] The unrestrained practices of a deputy or a local magnate could, Darcy felt, present considerable challenges to crown authority.

At fault, it was suggested, was the absence of several of the great Anglo-Irish lords: John, sixth Earl of Ormond, was attainted in 1462, and subsequent Butler earls remained absentees until 1515. Like them, the earls of Norfolk and Shrewsbury held extensive lands but ruled them through intermediaries or local Anglo-Irish captains or seneschals. In other regions like Ulster, prior to the earldom passing to the crown in 1461, the earl and his heirs, 'having much lands in England…took no heed to the said earldom…so as by that means Irishmen hath near hand conquered the said five shires [of Ulster].'[52] Powerful magnates had been granted significant lands and liberties over the centuries and subsequently expanded their authority even further with gains from the native Irish. In the past this had presented some problems, but now the

[50] Although reasserted in the early years of the sixteenth century, the concern was not a new one. Kevin Down has considered the impact of native Irish incursion on population decline in the first half of the fourteenth century. He offers evidence from the manorial records of the Archbishop of Dublin in 1325 where 'it is frequently stated that the tenants have left because of the Irish.' Suggesting that this was more than merely population movement, he points out that the problem was evidently severe enough to warrant the passage of legislation, as in the parliaments of 1409-10 and 1367, restricting the departure of labourers from Ireland, as well as similar provisions relating to absentee lords. Its severity, he concludes, was further confirmed by the presence of a 'large number of Irishmen in England, particularly in important towns like Bristol and Coventry.' Long before the Black Death, then, and even as early as 1320, he says, 'the statement that lands "lie waste and uncultivated for lack of tenants" becomes a commonplace.' For the legislation of 1409-10, see: Henry F. Berry (ed.), *Statutes and Ordinances, and Acts of the Parliament of Ireland (King John to Henry V)* (Dublin, 1907), pp. 517-9; for the legislation of 1366, see the Statutes of Kilkenny: James Hardiman, 'Statutes of Kilkenny', *Tracts Relating to Ireland* (Dublin, 1367), vol. 2, Cap. 33, pp. 111-16; Kevin Down, 'Colonial Society and Economy', in *NHI (1169-1534)*, (ed.) Art Cosgrove (Oxford, 2008), vol. 2, pp. 439-91, p. 449.

[51] 'Decay of Ireland', *CCM*, vol. 1, Cap. 2, p. 7

[52] 'Decay of Ireland', *CCM*, vol. 1, Cap. 2, p. 7.

absenteeism of powerful lords, while it may have in some sense mitigated the problem of overmighty magnates, nevertheless left unresolved the issue of how crown authority could effectively be asserted and maintained.[53] Since the late fifteenth century, the answer had simply been to rely on the earls of Kildare, but for Darcy and others this was becoming less and less palatable.

This inclusion of the Butlers and other absentee lords in Darcy's treatise urges caution to those who would dismiss his utterances as a product purely of his animosity towards Kildare. Clearly, given his recent dismissal from Kildare's baronial council and from administration of the lordship's revenues he may indeed have had a grievance, but he had nevertheless been a faithful and long-standing servant of the eighth earl. Darcy had prospered very well under the him. In addition to his current fortunes, the Darcy family had significant familial affinities with the Kildares: John Darcy of Knaith, treasurer of Ireland during the reign of Edward III, had married the wife of the second Earl of Kildare.[54] Yet in spite of his prosperity and historical affiliation with the Kildare family, Darcy's treatise seems to portray a degree of animosity towards the new earl. Ellis observes that if Darcy's sole intent was to discredit him, one would have expected him to leverage considerably more ammunition from his years of service.[55] If Darcy's motivation in writing his treatise was of a purely personal and reactionary nature, it would certainly detract from Bradshaw's notion of a carefully nurtured intellectual tradition of reform developing in the Pale.

[53] Ellis highlights the significant tension between the crown's desire to support magnate power in order to buttress its own authority and the concomitant need to retain an overall impression, if not reality, of sovereign royal control. Ellis, *Reform and Revival*, pp. 184-5. Tension was also mirrored in that between the gentry and lesser nobility of Meath, and the earls of Kildare, 'reflect[ing] differences over the means of maintaining good rule between a shire in which landholding and power were comparatively diffused, along lowland English lines, and a smaller, more exposed county dominated by a resident marcher lord.' Ellis, 'William Darcy of Platten', *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, p. 28.

[54] *CCM: Book of Howth*, vol. 6, p. 431.

[55] Ellis, 'William Darcy of Platten', *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, p. 34. Maginn and Ellis suggest that Darcy's tract is suspect, for 'given his unrivalled knowledge of the king's revenues and aspects of early Tudor government in Ireland, Darcy could hardly have failed to provide a more convincing analysis than these crude sketchy articles had root-and-branch reform been the main aim. In fact, it is far from clear that Lord Deputy Kildare's government was being seriously criticized in 1515.' Maginn and Ellis, *Tudor Discovery*, pp. 47-8.

To dismiss Darcy's 1515 treatise as retribution for his displacement from the earl's baronial council and replacement as under-treasurer would be to ignore the other treatises composed at this time, as well as the social, economic, and geographical connections of their authors. Darcy, Finglas, and Golding were all gentlemen of Meath, residents of the Pale, away from the more socially and politically complicated regions of the marches. They identified as Englishmen and lamented the erosion of English dress, speech, and law in the marches and in the Pale. The sources of their incomes would have been similar, derived from both land and official appointments in the Dublin administration. Like most of the nobility and gentry, their families and interests were joined by bonds of marriage. Notably, Edmund Golding was both father-in-law of Patrick Finglas, and possibly, too, of William Darcy's daughter.[56] Darcy had been present and fought with the billmen at the Battle of Knockdoe in 1504. As receiver-general, he had access to the records kept in Dublin Castle, and his 'knowledge of them doubtless sharpened his awareness of the lordship's decay since 1300 and informed his…historically-based complaints to the king's council in 1515.'[57] In many respects, Darcy's experience and the lens through which he viewed contemporary issues was semblable to his peers, some noble, some gentlemen, but many with concerns they were seeking to air.

It seems more likely, in fact, that his grievances may have stemmed from justifiable concerns about his considerable holdings in the Pale,[58] and so may also have been a general reflection of the concerns of the lesser nobility and gentry of the Pale. Indeed, contemporary treatises suggest that this may well have been the case. Furthermore, there is evidence to suggest that if Darcy did hold a grudge against Kildare, it was not an enduring one. During the 1534 rebellion of 'Silken' Thomas Fitzgerald, in a letter to the Dublin official, Thomas Agard, John Talbot of Dardyston complained that Darcy had accused him of treason, countering that Darcy's property had, in fact,

[56] 'Edmund Golding to Earl of Ormond (1 August, 1509)', *Calendar of Ormond Deeds*, vol. 4, Cap. 76, pp. 356-8; James Morrin (ed.), *Calendar of the Patent and Close Rolls of Chancery in Ireland (1514-1575)* (Dublin, 1861), p. 499.
[57] Ellis, 'William Darcy of Platten', *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, p. 32.
[58] Ellis, 'William Darcy of Platten', *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, p. 29.

somewhat suspiciously been spared from destruction, and that Darcy had even aided one of Thomas' supporters.[59]

To regard Darcy's treatise as a simple, personally motivated attack on Kildare would also require ignoring the long-term effect of Poynings' 1494-5 parliament. This had reduced the number of parliaments called, and therefore the ability of the Pale gentry and lesser nobility to communicate their grievances and advance their interests by means of petition. Other outlets, such as Golding's letter to Ormond in 1509, were being explored. In bypassing the tradition of expressing concerns by way of parliamentary petitions, Golding and Darcy may have hoped to secure the ears of potentially powerful nobles and officials on the London council, if not of the king himself.

If he were the credulous sort, and if he did indeed read Darcy's treatise, the king might be pardoned giving up Ireland for a lost cause at this point. As Ellis has noted, Darcy's complaints are certainly strident; they lack the sophistication exhibited by subsequent treatises and provide little by way of elaboration or offering remedy. But Darcy's account, like Golding's, is marked by a dire description of waste and decay, and an ominous prognostication for Ireland should the crown fail to act. Darcy's, however, unlike Golding's, is characterised by its overt attacks on the lord deputy. Nevertheless, he reserves a healthy dose of indignation for the behaviour of the other great magnates, Desmond and the absentee Ormond. Darcy does appear to have had an axe to grind with Kildare, having been undermined in his council position as under-treasurer by the earl, but it is apparent that his ire extended to Piers Butler as well, who had for many years been labouring to position himself as successor to the Ormond earldom in spite of his being the weaker claim. It is possible that Darcy's oblique criticism of Piers was because the latter had lately secured and relied upon the support of the Kildare earls by virtue of his marriage to Margaret Fitzgerald, the second daughter of the eighth Earl of Kildare.[60]

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[59] *CCM (1515-74)*, vol. 1, Cap. 60, p. 75.

[60] Lennon, *Incomplete Conquest*., p. 73; Quinn, 'The Hegemony of the Earls of Kildare, 1494-1520', *NHI (1169-1534)*, vol. 2, p. 659. The two remained amicable until Kildare was compelled to champion the inheritance of the daughters (Margaret Boleyn and Ann St Leger) of the recently deceased James Butler, seventh Earl of Ormond, who had been long resident as an absentee in England. As late as April 1516 Kildare '[granted Piers] Butler livery of the inheritance…on the basis that the Irish estates [of Ormond] descended by tail male.' David Finnegan, 'Butler,

Yet Henry did not appear to share Darcy's ire, nor did he give little inkling that he felt reform was required any time soon. The Earl of Kildare and the Dublin council members, Rawson, Rokeby, and Darcy journeyed to England in early 1515 where, as we have seen, Darcy was able to present his concerns to the king's council. But as early as September, Kildare had returned to Ireland with the full support of the king, a month later receiving

> extensive grants…notably the residue of the king's lands and rights in the earldom of Ulster (Strangford and Ardglass), the manor of Ardmullan, authority to found and endow a collegiate church at Maynooth, and grants of borough privileges for Kildare and Athy,

as well as a mandate to hold a parliament, and further confirmation of his deputyship the following year.[61]

In Darcy's case, taken as one component of a snap-shot of the whole corpus of reform literature in the early decades of the sixteenth century, his treatise – considered alongside Golding's letter to Ormond, Finglas' short treatise, and the longer 'State of Ireland' – begins to look less like an isolated riposte to his dismissal than one in a cluster of symptoms signifying a breakdown in administrative communication that had begun two decades earlier. Each writer sought to etch a new avenue of discourse with a view to making the king and council in England aware of the grievances and concerns harboured by many Palesmen in the most direct manner possible.

Patrick Finglas' 'A briefe note of the gettinge and decaye of Ireland' (1515)[62]

Much less appears to be known of Patrick Finglas (*d*. 1537). He was author of at least one significant reform tract with several recensions dating to between 1515 and 1537, and was educated, like William Darcy, at Lincoln's Inn in London from 1503-1506.[63] Likely from Piercetown in Meath, Finglas was appointed king's serjeant-at-law in 1508, promoted to Second Justice of

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Piers, first earl of Ossory and eighth earl of Ormond (b. in or after 1467, d. 1539)', *ODNB*, Accessed 26 Jun. 2015, http://www.oxforddnb.com/view/article/4199.

[61] Quinn, 'The Hegemony of the Earls of Kildare, 1494-1520', *NHI (1169-1534)*, vol. 2, pp. 658-9.

[62] 'A briefe note of the gettinge and decaye of Ireland preferred unto Kinge Henry the Eight about the vijth yere of his Raigne', LPL Carew MS 635, fos. 185r-187v.

[63] *The Records of the Honorable Society of Lincoln's Inn: The Black Books (1422-1586)* (London, 1897), vol. 1, pp. 131, 144.

the Common Pleas in 1516, made Chief Baron of the Exchequer in 1520, and again confirmed in that role in 1524 and 1535.[64] Records indicate that his salary in 1535, when he was reappointed as Chief Baron of the Exchequer, was at a rate of £40 per year, although his overall income appears to have been in the range of £100.[65] This would have placed him among the wealthier gentry of the Pale, alongside William Darcy, the Plunketts of Rathmore and Bewley, Betagh of Moynalty, Bellew of Bellewstown, Wellesley of Dangan, Hussey of Galtrim, Delahide of Moyclare, and Barnewall of Crickstown.[66]

Finglas' social status would as well have been augmented by his success in public service. In the wake of a series of administrative appointments through the 1510s, his advancement continued in the subsequent decade. By then he appears to have been esteemed not only by his Anglo-Irish peers, but so too by none other than the Earl of Surrey. Surrey's appointment as governor in 1520 brought him into contact with Finglas, and just months later in a letter to Wolsey he wrote in glowing terms of the new Chief Baron. Finglas, he says, 'bee the best wylled, and moost deligent to doo the Kinges Grace true and feithfull service, of all the lerned men of this land.' Surrey requested that Wolsey 'geve credence unto him, and also to bee good and gracious lord to hym, soo that by mean of your Grace, he may atteyne a patent under the Great Seall of England upon his office…which shalbe more proffytable to the King, then to him.'[67] As a prominent member of the Pale gentry, and a rising practitioner of law, Finglas was in 1515 in an advantageous position to capture the attention of the English king and council.

In that year, Finglas composed a treatise entitled 'A briefe note of the gettinge and decaye of Ireland'. While the original manuscript has been lost, numerous copies were made through the sixteenth century. Complicating matters, a great amount of confusion has ensued as a result of

[64] Ellis, *Reform and Revival*, pp. 221-2; Mary Ann Lyons, 'Finglas, Patrick (d. 1537)', *ODNB*, Accessed 16 Jul. 2015, http://www.oxforddnb.com/view/article/9458; Ball, *The Judges in Ireland, 1221-1921*, pp. 193-4. But *cf*. *The Calendar of Patent and Close Rolls in Ireland (1514-1575)*, which describes Patrick Finglas in 1537 as being 'late of Waspayleston,' and later, in 1537, his son, Thomas, as being 'late of Wespelliston, in the county of Dublin.' Morrin (ed.), *Calendar of the Patent and Close Rolls of Chancery in Ireland (1514-1575)*, m4, p. 49 and m20, p. 146

[65] Morrin (ed.), *Calendar of the Patent and Close Rolls of Chancery in Ireland (1514-1575)*, p. 26; Lyons, 'Finglas, Patrick (d. 1537)', *ODNB*.

[66] Ellis, 'William Darcy of Platten', *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, p. 28.

[67] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, p. 63; Ball, *The Judges in Ireland, 1221-1921*, pp. 115-6.

additions Finglas made between 1515 and his death in 1537. Studying the state papers of William Cecil which relate to Ireland and are known as the 'Hatfield Compendium', Maginn and Ellis have recently teased out the various strands of Finglas' work, noting numerous errors historians have made in dating its iterations. They have concluded that there were four versions in total.[68]

The original version survives in the form of a late sixteenth or early seventeenth-century copy. To date, and unlike other versions, it has not been published.[69] Maginn and Ellis note that it resides at Lambeth Palace Library, catalogued as Carew MS 635, fos. 185r-187v.[70] A second version, added to and compiled in 1529, can be found in Carew MS 600, fos. 204-7, entitled '1529 An Abbreviatt of the gettinge of Irland and the decay of the same wch was written as may be conceived, about the 20: of K.H. 8. raygne'. A third version was produced in 1537, entitled 'the decay of Ireland written by Patrick Finglas, one of the Barons of the exchequer in Ireland', and a fourth one in the same year, entitled 'A brevyate of the conqueste of Irland and of the decay of the same'.[71] Each successive recension built upon the original, and contributed further recommendations for reform.

Numerous other copies of Finglas' work are extant. This has in some measure added to the confusion surrounding the dating of each recension. One of the most well known derives from 'Version 4' and can be found in Walter Harris' 1747 first volume of *Hibernica*.[72] Its text, however, was taken from a Trinity College Dublin manuscript,[73] but erroneously incorporated sections from

[68] Maginn and Ellis, *Tudor Discovery*, pp. 27-34.
[69] There is, however, an undated text in the *Book of Howth* entitled 'A fragment of the History of Ireland' that resembles Finglas' articles relating to the history of Ireland, omitting those recommendations for reform which characterise his later recensions. This 'fragment' consists of 21 articles compared to Maginn and Ellis' 'Version 1' from 1515 which contains 37, and version 4 from 1537 which harbours 56. *CCM: Book of Howth*, vol. 6, pp. 219-21; Maginn and Ellis, *Tudor Discovery*, p. 31.
[70] It should be noted that queries entered into the Lambeth catalogue for these folios turn up only William Darcy's 'Decay of Ireland', which, by contrast, is listed under fos. 188-188v.
[71] Maginn and Ellis note that 'Version 3' was composed in the hand of Finglas' son, Thomas, and incorrectly appears in the *Calendar of the State Papers, Ireland* under the year 1533. Maginn and Ellis, *Tudor Discovery*, p. 28; *Calendar of the State Papers Relating to Ireland (1509-1573)* (London, 1860), Cap. 7, p. 9.
[72] Patrick Finglas, 'A Breviat of the getting of Irland, And of the Decaie of the same (*c*. 1533)', in *Hibernica: or, Some antient places relating to Ireland...*, (ed.) Walter Harris (Dublin, 1770), pp. 79-103.
[73] TCD MS 842, fos. 25-36; Maginn and Ellis, *Tudor Discovery*, n8, p. 28.

two entirely separate tracts, the 'Ordinances and Provisions for Ireland', as well as Darcy's 'Decay of Ireland'.[74]

More confounding for those historians seeking to deal with the earliest of Finglas' recensions, the treatise printed in the *Calendar of Carew Manuscripts* under the year 1515 is actually 'Version 3', dating to 1536-7.[75] Following Maginn and Ellis, the ensuing summary and discussion of Finglas' 1515 treatise, then, will utilise what they have termed 'Version 1', taken from Carew MS 635, fos. 185-7, which roughly corresponds with 'Items' one to 37 in the Hatfield Compendium.[76]

Finglas' Treatise

At the time he composed his treatise, Finglas continued to occupy the office of King's Serjeant at Law in 1515.[77] In addition to his education at Lincoln's Inn in London, he possessed, then, seven years of experience as a member of the Dublin council, attendance in at least one parliament in 1508,[78] as well as the task of fulfilling the requirements of his current office.[79] He would therefore have been in an opportune position to deliberate on the circumstances faced by the Dublin government in the inaugural decades of the sixteenth century.

The earliest version of Finglas' treatise, 'A briefe note of the gettinge and decaye of Ireland preferred unto Kinge Henry the Eight about the vijth yere of his Raigne', was submitted to the king and council between April 1515 and April 1516.[80] It is not known if it was put forward

[74] Maginn and Ellis, *Tudor Discovery*, pp. 28-9.
[75] Finglas, 'Reformation of Ireland', *CCM (1515-74)*, vol. 1, Cap. 1, pp. 1-6.
[76] Maginn and Ellis, *Tudor Discovery*, pp. 69-75.
[77] Ellis suggests that Finglas' was not succeeded in that office until 11 April 1516 by Thomas Rochfort, but *cf*. Ball who suggests that Rochfort took over the position in 1511. Ellis, *Reform and Revival*, p. 224; Ball, *The Judges in Ireland, 1221-1921*, p. 192.
[78] Finglas was appointed King's Serjeant at Law on 20 January 1508, and so would likely have attended that year's parliament. Ellis, *Reform and Revival*, p. 224.
[79] The post of serjeant at law had, by the fourteenth century, 'evolved from [one of] simple pleaders of the royal causes before the courts to principal law officers of the king; they were also summoned to attend parliaments or great councils…and the king's serjeant was the junior member of, and the only law officer in, the inner council of seven ministers who were the ministerial advisors of the chief governor of the day.' D. Hogan and W.N. Osborough (eds.), *Brehons, Serjeants and Attorneys: Studies in the History of the Irish Legal Profession* (Dublin, 1990), p. 78. By the late fifteenth century, the council had become limited to seven members: 'the chancellor, the treasurer, the chief justices of the two benches, the chief baron of the exchequer, the master of the rolls, and the king's serjeant-at-law.' Richardson and Sayles, *The Irish Parliament in the Middle Ages*, pp. 164-5.
[80] Maginn and Ellis, *Tudor Discovery*, n2, p. 27.

amongst other papers, like Darcy's, at the time of the Greenwich meeting; and Finglas does not appear to have accompanied any other members of the council to London. Whatever the timing of its submission, it does not seem to have been received unfavourably, for Finglas was appointed Second Justice of the Common Pleas in June of 1516. In fact, there was little in the first iteration of his treatise that could be taken as antagonistic towards either Kildare or the crown; his was, rather, mainly an itemised narrative of the history of events from the conquest that had led to the problems then faced by the Dublin administration. Like Darcy's 'Decay', Finglas' criticisms were of a more general, historically-bound nature. His manifest concerns – absenteeism and the adoption of coyne and livery – were viewed as the outcome of processes long preceding the activities of the Geraldines or Butlers in the previous century.

Finglas' 'Briefe note' is comprised of some 35 articles.[81] The first five describe the political boundaries of the island before its conquest by the Anglo-Normans in 1169-71. The land, Finglas relates, was divided into five provinces amongst five kings: Leinster, Munster, Thomond (identified as O'Brien's country), Connacht, and Ulster. A chief king, or 'monarch' ruled over all, keeping Meath in the vicinity of Dublin for himself.[82]

Items six through ten outline the appearance in Ireland in 1169 of Richard de Clare, second Earl of Pembroke, *alias* Strongbow (*c*. 1130-1176). Three years later, in 1171, with the assistance of Henry II, recently arrived in Ireland, conquest over most of Leinster, south Munster, Connacht, Meath, and Ulster had been achieved. Strongbow married Eve, the daughter of McMurrough, and was granted the rule of Leinster. According to Finglas, after the conquest, Leinster had been reduced 'to good order and obedyence of the kynges Lawes.' In spite of the union of Strongbow and Eve producing a female heir, Isabel de Clare (*c*. 1172-1220), stability continued under the lordship of her husband, William Marshal (*c*. 1146-1219), who spent a considerable amount of time ruling the de Clare patrimony in Ireland itself. At the time of his death in 1219, Leinster remained subdued but for 'certayne of the blood and name of McMorrowe' who were raising

[81] The articles laid out in the 1515 MS are virtually identical in content to the first 37 'Items' of the 1536-7 version (version 4), printed in: Maginn and Ellis, *Tudor Discovery*, pp. 69-75. In the Carew MS 635 version, by contrast to the Hatfield manuscript used by Maginn and Ellis, there are 35 'Items'; the differences are, however, only very minor. 'A breife note of the gettinge and decaye of Ireland', LPL Carew MS 635, fos. 185r-187v.
[82] 'A breife note of the gettinge and decaye of Ireland', LPL Carew MS 635, f. 185r.

disturbances in the barony of Idrone in County Carlow. Nevertheless, relative calm prevailed under the five sons of Isabel and William who 'ruled all Leinster in peace and prosperitie obedyent to the Kinges Lawes,' which continued until the reign of Edward I.[83]

Items 11 to 18 describe the beginnings of uncertainty in the lordship. William and Isabel's sons had no heirs themselves. Their five daughters, who had married into the English nobility, became the principal heirs of the regions of Leinster. Their husbands, residing permanently in England, 'regarded lytle the defence of their lands in Ireland but tooke the proffytes of the same for a whyle as they could.' The result was one of declining revenues and the subsequent appointment, by the absent English lords, of native Irish chiefs as deputies to minister those areas in their stead: the lord of Donmaise in Leix retained one of the Mores to be his 'Cap[tai]n of war…in defence of Irishe men upon that borders', and the lords of Carlow and Wexford chose one of the Kavanaghs. By the reign of Edward II, Finglas relates, More had styled himself 'O Moore', while Kavanagh styled himself 'McMorrogh', and both had taken the regions they formerly had ward of for themselves. McMurrough, for his part, had rallied the Byrnes and Tooles of the Wicklow mountains to his aid. And so, he continues, 'begane the decaye of Leinster.'[84] By the reign of Edward III, so strong had McMurrough become that the king paid him a tribute of 80 marks to ensure the security of English holdings. Even on the eve of his departure to pursue his interests in France, Edward III 'conceded that he left England "so empty of armed power and destitute of lords, whereby there is no room to send men or money to Ireland at present, although it is said they are needed there."'[85] Decades later, during the reign of Richard II, McMurrough was further tasked with responsibility as 'keeper of the king's highways' between Carlow and Kilkenny.[86]

Finglas observes that after the conquest, the opposite situation had prevailed, for many of the lords involved in the first conquest 'lefte under trybute certayn Irishemen of the principall blood of Irish nation.' Included among these were the Kavanaghs 'of the blood of Mc Moroghe,' McCarthy in south Munster, O'Brien in Thomond, O'Connor and Kelly in Connacht, the O'Neills

[83] 'A breife note of the gettinge and decaye of Ireland', LPL Carew MS 635, fos. 185r-185v.
[84] 'A breife note of the gettinge and decaye of Ireland', LPL Carew MS 635, fos. 185v-186r.
[85] Watt, *The Church and the Two Nations in Medieval Ireland*, p. 198; *Calendar of the Close Rolls (1354-1360)* (London, 1908), m13, pp. 595-6.
[86] Maginn and Ellis, *Tudor Discovery*, n14, p. 71.

in Ulster, and O'Melachlin in Meath. These native Irish, he continues, never inclined to English rule or customs, but rather bided their time for 'when Englishemen would rebell and dygresse from obedience of lawes.' Nevertheless, other areas in the south including Waterford, Cork, Kerry, Tipperary, and Limerick, which had been inhabited by Anglo-Norman families like the Butlers, Geraldines, Berrys, Roches, and Cogans, remained obedient to English rule for some 160 years after the conquest.[87]

Throughout items 19 to 26, Finglas points to the importance of then lieutenant, Lionel, Duke of Clarence's (1338-1368) introduction of the 1366 Statute of Kilkenny.[88] The parliament held there attempted to address concerns that had been increasingly voiced since 1297 relating to the regulation of English law and customs in the lordship. As Otway-Ruthven remarks, there was 'very little in them that is new,' pointing out that the preamble established the tenor of the parliament, complaining that English language, dress, manner of riding, law, and other practices were under threat. The statutes of the 1366-7 parliament themselves went on to forbid marriage, gossiprid, and fosterage with the native Irish, and required that the Anglo-Irish speak language, take and English name, and refrain from resorting to Irish brehon law. It also restricted where the native Irish themselves could go in the colony, whether into certain ecclesiastical jurisdictions, or simply outright bans on minstrels , bards, or rhymers entering English areas.[89] In 1515, then, Finglas, like many before him, singled out the issues of: coyne and livery, 'w[hi]ch would destroye hell if it were used in the same;' alterage or fostering English children with Irish families; and marriage between landed English subjects and native Irish. The problem, he considers, is that the statutes were neither followed nor enforced.[90]

Soon after the departure of the Duke of Clarence, the recently created earls of Kildare, Desmond, and Ormond, who were becoming increasingly powerful, came to blows with each other. To increase their authority, each earl attempted to forge kin alliances with the native Irish, engaging in just the sorts of activities prohibited by the Statutes of Kilkenny. Antagonism between the

[87] 'A breife note of the gettinge and decaye of Ireland', LPL Carew MS 635, fos. 185v-186r.
[88] Lionel, Edward III's son, was tasked with governing the lordship beginning in 1361, following the truce with France at the Treaty of Brétigny. Watt, *The Church and the Two Nations in Medieval Ireland*, p. 198.
[89] Otway-Ruthven, *A History of Medieval Ireland*, pp. 291-2.
[90] 'A breife note of the gettinge and decaye of Ireland', LPL Carew MS 635, f. 186r.

Anglo-Irish magnates, and their refusal to recognise the jurisdiction of the courts, continued late into the fifteenth century, weakening areas formerly controlled by the crown such that 'all the land is now of Irishe rule except the lytle Englishe pale…w[hi]ch passe not 30 or 40 myles in compasse,' and some of the walled towns in the south like Wexford, Waterford, and Limerick. Failure to punish the magnates, Finglas concludes, signaled a critical failure in the administration of justice in the lordship, and as a consequence of their extortions the English freeholders and other inhabitants have been expelled from English regions in the south.[91] In alignment with Golding's and Darcy's assessment, the implication was that native Irish tenants had moved in to take their place.

'Gaelicisation', then, was not simply restricted to the adoption of Irish customs and a wholesale corruption of English cultural norms; it was, rather, a phenomenon facilitated by the use of coyne and livery by the great Anglo-English magnates that entailed the movement of the native Irish – not just their language, dress, and legal forms – into regions of the lordship formerly inhabited by English tenants. Some Anglo-Irish noblemen and gentry may have used the Irish tongue or dressed in Irish garb, but this was not the primary issue; such things must have been expected after 400 years of settlement. The paramount concern of the 1515 authors was the employment of coyne and livery by the magnates, the vacuum caused by the dispersal of the English tenantry, and the consequent movement of native Irish people into the areas they had inhabited.

The concluding ten items, 26 to 35, focus on the 'decay' of Meath, Ulster, and Connacht. Finglas recounts the history of the regions beginning with Meath and its conquest by Hugh de Lacy. After his assassination in 1186, Meath was inherited by his sons, Walter and Hugh. Walter, he says, had two daughters who inherited his lands in Meath and, by marriage, passed them to Theobald de Verdon and Geoffrey de Geneville.[92] The former's portion passed, again by marriage, to the Furnival family, who remained in England and, like other absentee lords, 'tooke such proffyts as they could gett for a whyle and sent small defence for their lands in Ireland.' Consequently, much

[91] 'A breife note of the gettinge and decaye of Ireland', LPL Carew MS 635, f. 186v.
[92] Maginn and Ellis point out, however, that Walter's lands in Meath were in fact passed by his granddaughters, Margaret and Mathilda, to John de Verdon (*d*. 1274) and Geoffrey de Geneville (*d*. 1314). Maginn and Ellis, *Tudor Discovery*, n24, p. 73.

of their inheritance was lost but for some manors in the Pale, which were eventually purchased by the Flemings, Holywodes, Cruces, and Bellews during the reign of Richard II. The balance of lands in Meath fell to disorder and 'did [not] obey the King[es] Lawes theis C yeres and more.'[93]

For its part, Connacht had remained obedient under the heirs of William Marshal, William Bermingham, and William Burke, until the reign of Edward III. Ulster, having been conquered by John de Courcy (*c*. 1219), passed to the de Lacys after some local turbulence during the reign of King John. The de Lacy heir married into the Burkes of Connacht. Thereafter, Walter Burke (*d*. 1271) and his heirs held the lordship of Connacht and the earldom of Ulster. Combined, Finglas relates, the lordships' income amounted to some £10,000. Some years later, the last of these heirs, William Burke, was slain. His only child, a daughter, Elizabeth, was married to Lionel, Duke of Clarence, bringing the lordships of Connacht and Ulster into crown hands. Yet in spite of the Statute of Kilkenny, and his brief tenure as lieutenant, both provinces soon fell to disorder. Lionel departed in late 1366; like so many before him, he left inadequate defence for his lands in Connacht. Thereafter, the kinsmen of William Burke, feeling secure in their distance from the king's laws, 'usurped that Contry to themselffes,' cementing their authority by means of alliances with the native Irish. From then until the reign of Henry VIII neither Connacht nor Ulster provided significant revenues for the crown.[94]

[93] The manuscript reads 'did obey', but this appears to be an error of omission based on comparison to the version in the Hatfield compendium. 'A breife note of the gettinge and decaye of Ireland', LPL Carew MS 635, f. 187r; Maginn and Ellis, *Tudor Discovery*, p. 74.

[94] 'A breife note of the gettinge and decaye of Ireland', LPL Carew MS 635, fos. 187r-187v. The recension published in *The Calendar of Carew Manuscripts*, or 'Version 3', published in 1536-7, as Maginn and Ellis have recently shown, reports that at the time of William Burke, Earl of Ulster's assassination in 1333, '"He might dispend of revenues yearly at the time of his death 13,000*l*. sterling."' (Finglas appears to have confused William, the 'Brown Earl' (*r*. 1326-33) and his grandfather, Richard, the 'Red Earl' (*r*. 1271-1326). Finglas, 'Reformation of Ireland', *CCM (1515-74)*, vol. 1, Cap. 1, p. 4; Maginn and Ellis, *Tudor Discovery*, p. 29; J.A. Watt, 'Gaelic Polity and Cultural Identity', in *NHI (1169-1534)*, (ed.) Art Cosgrove (Oxford, 2008), vol. 2, pp. 314-51, p. 341; Moody, Martin and Byrne, *NHI: Maps, Genealogies, Lists*, vol. 9, p. 170. *Cf*. Darcy's 'Decay of Ireland', *CCM*, vol. 1, Cap. 2, p. 7; and the contemporary 'Description of Ireland': *LP (1515-16)*, vol. 2-1, Cap. 1367, p. 372, which report revenues for the Ulster earldom of around 30,000 marks. Speculation about the amount of revenue formerly generated by Ulster appears to have originated in a 1485 exchequer roll. Quinn, 'Aristocratic Autonomy, 1460-94', *NHI (1169-1534)*, vol. 2, p. 611, and n1 on the same page; and for the exchequer roll, see: D.B Quinn, 'Guide to English Financial Records for Irish History 1461-1558, with Illustrative Extracts, 1461-1509', *Analecta Hibernica*, 10 (1941), pp. 1-69, pp. 17-27.

Finglas' articles end there, intended only as a brief historical description to highlight some of the challenges faced by the Palesmen in 1515. Much like Darcy, his chief concerns related to: absenteeism and the practice of absentee lords hiring native Irishmen to act as their deputies; increasing inter-marriage, fostering, and other Irish practices prohibited by the Statutes of Kilkenny, and the inability of the crown to enforce that statute; and the 'decay' of formerly English regions of the lordship arising from the imposition of coyne and livery by the Anglo-Irish magnates which had forced English inhabitants to make way for Irish tenants.

But as well, like Darcy, Finglas offers little insight into what remedies should be pursued, hewing closely to a recitation of the lordship's history and persisting complaints. This would change by the time of his fourth iteration of the treatise in 1537, which incorporated a further 19 items focussed mainly on providing suggestions for remedy, amounting to 56 in all.[95] Finglas' additions in 1529 and 1536 and 1537, incorporating recommendations for the increasing militarisation and garrisoning of Leinster, monastic suppressions, and criticism of Kildare, will be considered in later chapters.[96]

But in 1515, still relatively new to the administration, Finglas demurred from the sorts of criticisms of Kildare which, along with his own voice, became a chorus in the wake of 'Silken' Thomas Fitzgerald's 1534 rebellion. At the time, he appears to have left the more critical approach to Darcy, who at that point had no official position to lose. The value of Finglas' treatise is multifold: its points were reiterated in succeeding recensions, and the characteristic Tudor passion for describing remedies – not just listing complaints – became part of those later recensions. And Finglas' tract, similar to Darcy's, contrasts significantly with another contemporary treatise, the 1515 'State of Ireland', which distinguishes itself rather by virtue of its copious prescription for remedy.

[95] Maginn and Ellis, *Tudor Discovery*, p. 31.
[96] See 'Items' 38 through 56 in the version in the Hatfield Compendium. Maginn and Ellis, *Tudor Discovery*, pp. 76-9.

Sources of Change

That there is a palpable difference in the manner in which grievances were expressed in the reform discourse of the fifteenth and sixteenth centuries is a phenomenon that requires explaining. Most agree that the movement from parliamentary petitions and conciliar letters of the fifteenth century to the sometimes more elaborate treatises of the sixteenth century represented some kind of significant shift in discourse. Maginn and Ellis, for example, direct attention to the marked difference between the sorts of reform-oriented commentary in contemporary documents like that found in Christopher Cusack's 1511 commonplace book. Cusack's book incorporated material known to date to the latter half of the previous century, including the 'Descriptio Hibernie' (*p*. 1461) and the 'Geographical description of Ireland' (*c*. 1400s). The former suggested that the solution to the lordship's revenue problems was to enforce obedience amongst the Anglo-Irish, and inhabit Ireland with Englishmen, rendering a subsidy of 6s. 8d. for every ploughland. As Maginn and Ellis explain, this was just the difference: it was 'an unelaborate and implicit prescription for Ireland's reform,' it was not 'intended for the king, or for a wider audience,' and it was 'a far cry from the more elaborate historical and reform treatises composed for Henry VIII and his councillors in 1515.'[97] So why, they ask, was there a such a significant change in the manner of discourse in 1515?

They suggest that by 1515, 'Henry VIII had already been king for nearly six years…[and] this would seem an arbitrary time to seek to educate him about Ireland and what was supposedly wrong there.' If the matter were simply one of antipathy towards Kildare, they hypothesise, the death of the eighth earl in 1513 would have represented a more opportune moment to seek a change in the deputyship.[98] However, looking at the events of that time, the 'great' eighth earl had suffered heavy losses in spite of a generally successful campaign against O'Brien, destroying his bridge over the Shannon in 1510;[99] victory was becoming more elusive and may have emboldened his critics. By 1511, the earl had been injured during a hosting into Leix, dying of the

[97] Maginn and Ellis, *Tudor Discovery*, p. 138.
[98] Maginn and Ellis, *Tudor Discovery*, p. 31
[99] *AFM*, p. 359.

wound two years later.[100] It should be considered possible that even in the twilight years of a broadly successful period of rule as earl, and through frequent tenures as governor, that an anti-Kildare movement may have been gathering steam, finally finding outlet in 1515 just two years after his death.

Maginn and Ellis consider that the appearance of lengthier treatises such as those presented to the crown in 1515 may also have been, as discussed in the previous chapter, the 'unintended consequence of Poynings' Law…depriv[ing] the English of Ireland of their traditional and most formal means of petitioning the king in England: the parliamentary address.' Because of Poynings' Law, the frequency of parliamentary sittings decreased in the early decades of the sixteenth century, 'thus reducing those occasions when the king's subjects might gather together as a community to make laws and arrive at a consensus, which formed the basis for the earlier communication to the crown.' A more individual medium – that of the treatise presented directly to the king or his council – was thus required if the Anglo-Irish polity were to maintain an intimate dialogue with the crown.[101] But it is an important point they make that this does not adequately explain why such treatises did not appear earlier, or the timing of when they did.

Alternative theories have been presented by historians over the preceding decades. The most significant of these, of course, is Bradshaw's notion of the growth of an Anglo-Irish 'reforming milieu', which, he argued, was a response to a 'habitually passive' crown. It was a response, he explains, that had to wait for the arrival of Thomas Cromwell before generating enough impetus to effect significant change. The salient characteristics of this movement for reform, according to Bradshaw, was that it was native to Ireland, and that it incorporated aspects of Renaissance humanist ideologies.[102]

[100] Steven G. Ellis, 'Fitzgerald, Gerald, eighth earl of Kildare (1456?–1513), magnate and administrator', *ODNB*, Accessed 23 Aug. 2018, http://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-9554.

[101] Maginn and Ellis, *Tudor Discovery*, p. 140.

[102] Notably, Bradshaw reserves some small place for Wolsey, whom he says may have 'encouraged the kind of bleak surveys of the state of Ireland that provide the first evidence of local concern for reform.' Bradshaw, *Constitutional Revolution*, p. 33; Maginn and Ellis, *Tudor Discovery*, p. 135.

Maginn and Ellis suggest that Bradshaw lumped Darcy's 'Decay' and Finglas' 'Breviat' in with other examples of supposedly humanist-influenced discourse.[103] But Bradshaw was careful to note the difference between those tracts and others, particularly the contemporary but anonymous 'State of Ireland', pointing out that the former were 'more typical of late medieval political literature.' Theirs, he says, was a 'conservative' outlook concerned primarily with a 'particular reformation' confined generally to the shires of the Pale, and one that 'was bound by a conceptual framework dating from the fourteenth century,' emphasising the Statutes of Kilkenny 'as a panacea' or ready-made remedy for reform.[104] Indeed, there is little in either tract to warrant a humanist descriptor. And so, if an ideological shift in the Pale is not in evidence, the question of why reform discourse intensified in 1515 remains.

For Maginn and Ellis, the simpler and more appealing explanation seems to be that there was an atmosphere of expectation surrounding both the king's desire to reform and to visit the lordship. They point to the letters of John Kite, recently appointed Archbishop of Armagh, who in 1514 wrote expectantly of the king's arrival in the lordship, and perhaps himself served to stir up anticipation of royal reforms.[105] Around the same time, they say, there may have existed a sentiment, expressed in an anonymous morality play entitled *Hickscorner*, critical of both the lack of Henrician policy in Ireland, as well as extant notions of planting Englishmen there. Perhaps most important was that the play may have encapsulated a sense that the English of the lordship, as the protagonist exclaims, had been '"all drowned in the rase of Irlonde."' Maginn and Ellis conclude that

> [t]he significance of the year 1515 as a historical marker thus may lie more in the belief in Ireland, and indeed in England, that the bullish young king, reconciled with France since August 1514, had committed to Ireland's

[103] Maginn and Ellis, *Tudor Discovery*, p. 137, and n7 on the same page.
[104] Interestingly, in spite of the later provenance of Finglas' 'Breviat' from which Bradshaw was working, he nevertheless maintained the conservative disposition of the treatise. Bradshaw, *Constitutional Revolution*, pp. 33-4. Bradshaw's analysis was confounded somewhat by the inclusion of the *c*. 1524-8 'A discourse of the cause of the evell state of Ireland', which at that time, having been calendared in the *Letters and Papers* under the year 1521, was evidently considered temporally proximal enough to be grouped in with the 1515 treatises. 'A discourse of the cause of the evil state of Ireland (*c*. 1524-28)', *LP*, vol. 4-2, Cap. 2405, pp. 1075-79.
[105] Maginn and Ellis, *Tudor Discovery*, p. 31.

> reform, than in the year in which a coherent political movement against Kildare found expression.[106]

Sources from the mid to late sixteenth century seem to support this. An undated manuscript from that time asserted that Henry VIII 'tooke in hande the generall reformac[i]on of the Countr[ie] w[hi]ch was in anno 8 of his Reigne.'[107] The early date (*c*. 1516-17), and the author's observation of an impending 'general reformation', are important acknowledgements to bear in mind; they contrast with some notions of a 're-conquest' of Ireland having begun much later, under the aegis of Wolsey in the 1520s, or later still in the 1530s under that of Cromwell, as Bradshaw has contested. The king's approach to reformation and how that approach took shape in the ensuing decades; how it was influenced by other factors, some deep in the past, some yet to come; and how it contrasted and challenged the character of Bradshaw's conception of a Pale 'reforming milieu', will be explored in the following chapters.

Nevertheless, expectations of royal visitations were not unknown. The last rumours of a royal visit circulated less than a decade earlier in 1506, when Henry VII mused about 'a voyage personal in his most noble person for the repress of the wild Irish and redress and sure reduction of all the said land.' In the event, plans were dismissed by the king's council as insupportable.[108] Such rumours, then, were not uncommon; and they were much less manifest in 1515 than in 1506. As a definitive explanation for change in the character of reform discourse in 1515, they remain wanting.

Conclusion

Specific reasons for the change in the kinds of reform sentiment relating to Ireland and the forum in which it was expressed remain elusive. It is possible that a number of factors contributed to an increasing desire for reform that culminated in the treatises of 1515. These include the fomenting of a movement, humanist or otherwise, beginning sometime about the death of the

[106] Maginn and Ellis, *Tudor Discovery*, pp. 31-2. *Hickscorner* quotation taken from same.
[107] 'Touching the revenues of Ireland, both ancient and present (nd)', BL Cotton MS Titus B XII, fos. 323r-324v, f. 324v.
[108] Quoted in: Ellis, *Ireland in the Age of the Tudors*, pp. 111-2; C.G. Bayne and William Huse Dunham, *Select Cases in the Council of Henry VII* (London, 1958), pp. 46-7.

eighth Earl of Kildare in 1513; the effect of Poynings' Law, enacted in the parliament of 1494-5; and the circumstances of the 1515 Greenwich meeting, which provided a forum for reform discourse directly with the king and his council, moving the arena of discussion away from parliament and forcing a more intimate connection with English royal and conciliar authority. But the nature of the sources before 1515 are thin, not least owing to the 1922 Four Courts fire, and it should be remembered that other calls for reform may simply have been lost or destroyed.

Despite the questions surrounding the treatises of Darcy and Finglas, it is apparent that the early years of the sixteenth century represented a significant turning point in reform literature relating to Ireland. Their treatises conform to Bradshaw's description of them as 'more typical of late medieval political literature', a mode characterised by a recitation of history and an outline of grievances, and offering little of the humanist nuance of subsequent treatises.[109] However, they are extended compositions compared to shorter fifteenth-century petitions. More significantly, they are addressed directly to the crown rather than being presented to parliament; and one, if not both, were presented to Henry during the 1515 meeting at Greenwich, inaugurating a period of reform composition that would intensify as the century progressed. To better understand the changes in reform discourse in 1515, it will be necessary to consider further evidence in the form of another, far weightier contemporary treatise, which is the subject of the next chapter.

[109] Bradshaw, *Constitutional Revolution*, p. 43.

Chapter 3 – The 1515 'State of Ireland'[1]

Introduction

Not unlike the parliamentary petitions of the time the treatise known as the 1515 'State of Ireland' outlines a variety of grievances, but it is distinguished from them by a lengthy and serious attempt to offer remedy. In his *Constitutional Revolution of the Sixteenth Century*, Brendan Bradshaw highlights the significant contrast between the treatises of Finglas and Darcy on the one hand, and the 'State of Ireland' on the other. The former, he says, were characterised by narrow interests, retaining a conservative focus on a 'particular reformation' rooted in the retrenchment of the colony and the 1366 Statutes of Kilkenny.[2] By contrast, he continues, the 'State of Ireland' is marked for its reconceptualisation of the notion of the commonweal. Bradshaw asserts that unlike Finglas and Darcy the author of the 'State of Ireland' was able 'to present the root problems of magnate power and the ineffectiveness of crown government in a new context.'[3]

The treatise is also unique in size, detail, and structure. Its construction is complicated owing to manifest breaks in the flow of the text, as well as repetitive sections, suggesting that rather than having been *authored* by a single mind, it was modified by a number of individuals over several decades before being collated in 1515 by someone hoping to engender and influence the course of reform in the lordship in the wake of recent changes in leadership in Ireland and England.[4] It

[1] *'State of Ireland', SP*, vol. 3, 2, Cap. 1; 'State of Ireland and plan for its reformation (*c.*1515)', TNA SP 60/1/9, fos. 13-28v.

[2] Bradshaw, *Constitutional Revolution*, pp. 43-4. Even by fourteenth-century standards, the Statutes of Kilkenny appear to have been bereft of 'novelty', representing, rather, 'a codification of earlier legislation, the origins of some of which at least go back to the earliest extant statutes of an Irish parliament and all of it bearing the mark…of the numerous ordinances and mandates formulated by the king and council in England,' as responses to requests of the Dublin council and the commons of Ireland. Watt, however, does note that the proscriptions relating to cultural admixture were nevertheless hitherto 'the most comprehensive.' Watt, *The Church and the Two Nations in Medieval Ireland*, pp. 199-201.

[3] Bradshaw, *Constitutional Revolution*, pp. 49-51.

[4] For the sake of simplicity, the term 'compiler' will here generally be used to refer to the individual or individuals involved in collating the 1515 'State of Ireland'. The term overlaps with 'collator' in several respects, but the definition of 'compile' as '[t]o construct by putting together materials; to make up, build,' seems apt to the usage of 'compiler' here. Oxford English Dictionary, '"compile, v."', Oxford University Press, Accessed 29 Nov. 2018, http://www.oed.com/view/Entry/37595?rskey=1LONmT&result=2. Sections that are more obviously derived from the Pandar's earlier *Salus Populi* (for which, see the sections that follow), the term 'author' will be employed.

includes extensive lists of English and Irish lords and chiefs, enigmatic prophecies and proverbs, and frequent borrowing of material attributed to a mysterious writer known only as the 'Pandar'.[5]

The treatise is included in the published *State Papers*, catalogued under the year 1515, and this is the date generally assigned to it. But there is in fact little direct evidence suggesting a definitive date of authorship or composition. It has been noted that it is perhaps best to speak in terms of it having been 'collated', where collation, compiling, and authorship, as well as dating, are made complicated by intrinsic linkage. Nevertheless, speculation regarding when the 'State of Ireland' was put together tends to gravitate towards a date of around 1515, possibly based on a reference to a prophecy meant to come to pass in 1517, as well as the scope and significance of the Greenwich meeting of 1515.[6] Candidates for a compiler have therefore been drawn from an assortment of English officials on the Dublin council active at that time. Questions regarding the dating of the treatise therefore directly affect consideration of authorship. Conversely, questions of authorship have much to say about dating.

In 1968, D.G. White noted only that 1515 is the 'date usually assigned to this document' and that 'the evidence suggests' that the author was William Rokeby, who was in London during the period of the Greenwich meeting 'and would have had an opportunity to present the paper then.'[7] A decade later, in spite of his significant analysis, Bradshaw was silent on the issue of authorship, and also assumed it was composed in 1515. Subsequent historians have tended to follow these assumptions. Only recently has Fiona Fitzsimons challenged presumptions of authorship, putting forward the ecclesiastic, John Kite, as a candidate.[8] Her analysis, however, was secondary to broader concerns, and she too was silent on the matter of dating. Christopher

[5] Historian Michael Bennett observes that 'The pseudonym is not easy to explain. The most likely allusion is to Pandarus in Chaucer's *Troilus and Criseyde*. His friends might have seen some similarity with the fictional Pandar in the all-knowing and irrepressible manner in which the authors of the *Libelle* and the *Salus Populi* dispensed information and advice, diagnosed problems and proposed remedies, and argued their case.' Michael Bennett, '*The Libelle of English Policy*: The Matter of Ireland', in *The Fifteenth Century XV: Writing, Records and Rhetoric*, (ed.) Linda Clark, (Woodbridge, 2017), 15, pp. 1-22 More generally, the name likely derives from the Latin verb *pandere*, meaning to explain.

[6] The related manuscripts discussed give a date of 1516. For the Greenwich meeting, see the preceding chapter.

[7] White, 'The Tudor Plantations in Ireland Before 1571', n15, p. 27.

[8] Fitzsimons, 'Wolsey, the Native Affinities', *Regions and Rulers in Ireland, 1100-1650*, p. 84.

Maginn has lately pointed out the presumptive nature of historians on the matter of dating and, more manifestly, uncertainties surrounding the authorship of the 'State of Ireland' which 'limit our understanding of the document's place in early Tudor Ireland.'[9]

Most recently, Heffernan has offered further consideration of the 'State of Ireland'. Following Fitzsimons, he agrees that it 'is quite possible' that John Kite, Archbishop of Armagh, may have been the author. But most importantly, he recognises that 'what has been relatively underappreciated to date is that the "State" was adapted from a fifteenth-century work known as the *Salus Populi* written by the pseudonymous "Pander".' For this reason, the number of contributors, when they might have contributed, and precisely what they contributed to the 'State of Ireland' circulating in the early sixteenth century, is difficult to discern. Heffernan, for example, points out the similarity of its initial passages to those found in 'Description of the Power of Irishmen,' dated by historian Kenneth Nicholls to *c*. 1490.[10] As he observes, however, the concern expressed in the 'State of Ireland' differed from the 'Description' insofar as the latter's emphasis was on military capability rather than cultural degeneracy.[11] But Heffernan's brief assessment concludes with his assertion that the 1515 'State of Ireland' 'offered what appears to have been the first comprehensive programme for a strategy of military conquest in Ireland produced under the Tudors.'[12] It is a contention that this chapter and thesis will attempt to dispute.

Nevertheless, as Heffernan points out, efforts to establish authorship on the basis of external evidence and likelihoods has sidelined important internal evidence, namely its reliance on an earlier writer known only as the Pandar. It is his *Salus Populi*, referenced often in the text, to which many ideas are attributed by the contributors of the 'State of Ireland'. While it is true the manuscript from which the published version was taken (TNA SP 60/1/9) exhibits a scribal form

[9] Maginn and Ellis, *Tudor Discovery*, n4, p. 137.
[10] Nicholls' observation is cited in: Maginn and Ellis, *Tudor Discovery*, p. 40, and n18 on the same page. Maginn and Ellis also point out that other names on the lists of Irish chiefs in the 'Description of the Power of Irishmen' suggest a late fifteenth-century provenance for that manuscript, and, by extension, the comparable section in the 1515 'State of Ireland'. For a transcription of the text of the 'Description', see: Maginn and Ellis, *Tudor Discovery*, pp. 80-9.
[11] Heffernan, *Debating Tudor Policy*, p. 31.
[12] Heffernan, *Debating Tudor Policy*, p. 32.

consistent with the style of secretary hand extant in the early sixteenth century, the extensive lists of names described in the text are suggestive of an even earlier source from which the 1515 author drew. Indeed, the evidence suggests that the version put together in 1515 was a collation of several texts, some of them likely dating to the previous century. For this reason, it is important to emphasise the involvement of a series of authors contributing to the text over a number of years rather than the treatise being thought of as the product of a single mind with, as Heffernan contends, a specific agenda. A more detailed analysis of authorship and dating are unfortunately outside the scope of this thesis, but it is hoped that a close analysis of the text of the treatise will offering some helpful illumination in those regards.

Five manuscripts of the 'State of Ireland' have been consulted, each exhibiting some degree of major or minor variation, but all clearly based upon a common source. The text from which the published version is derived appears based on its paleography to be the earliest. Historians tend to agree that the related manuscripts are subsequent iterations. Since the treatment given to the 'State of Ireland' in the 1960s and 70s by D.G. White and Brendan Bradshaw, however, the contents and the relationship of the other four manuscripts to the 1515 version, while acknowledged, have until recently remained largely unexplored.[13]

Two of these related manuscripts reside in the British Library: BL Add. MS 4792, fos. 96-110, which is recorded in Ayscough's catalogue as 'Panderus. Salus Populi, de rebus Hibernicis, temp. Hen VI;'[14] and the second, BL Add. MS 4763, fos. 481-495.[15] Two further iterations are extant at Trinity College in Dublin and are listed in Abbott's *Catalogue of the Manuscripts in the Library of Trinity College, Dublin*: TCD MS 842, fol. chart., s. xvi, where, as item 4, it is described as: 'An

[13] There is some brief acknowledgement of the other texts in: Bradshaw, *Constitutional Revolution*, n24, p. 49; Maginn and Ellis, *Tudor Discovery*, pp. 135-9; Crooks, 'Structure of Politics', *CHI, 600-1550*, vol. 1, n11, p. 444. For a recent and much more focussed analysis of the texts' origins that clearly recognises its long pedigree, see: Bennett, '*The Libelle of English Policy*: The Matter of Ireland', *The Fifteenth Century XV: Writing, Records and Rhetoric*, 15, pp. 17-21.

[14] Samuel Ayscough, *A Catalogue of the Manuscripts Preserved in the British Museum* (London, 1782), vol. 1, p. 330; British Library Website, 'BL Add MS 4792', Accessed 12 Oct. 2015, http://searcharchives.bl.uk/primo_library/libweb/action/dlDisplay.do?vid=IAMS_VU2&docId=IAMS040-002110309&fn=permalink; *'State of Ireland', SP*, vol. 3, 2, Cap. 1, n1, p. 31.

[15] British Library Website, 'BL Add MS 4763', Accessed 12 Oct. 2015, http://searcharchives.bl.uk/primo_library/libweb/action/dlDisplay.do?vid=IAMS_VU2&docId=IAMS040-002110277&fn=permalink.

Abstract of ye Book, intituled Pandarus sive Salus Populi;' and the second, TCD MS 581, fol. chart., s. xvi, item 8, described as: 'An Abstract of a Book intituled Salus Populi.'[16] All four manuscripts are in hands consistent with late sixteenth or early seventeenth-century script.[17]

Two of the five manuscripts are very nearly identical and were likely copied from the same source; these are: TNA SP 60/1/9 (and its published iteration), and BL MS 4763. These begin with the same general wording.[18] The other three manuscripts, BL MS 4792, and TCD MSS 842 and 581, share a great deal with the 1515 text but include more extensive use of the *Salus Populi*. They too begin with the same general phrase emphasising the treatises' historical connection to the Pandar.[19]

The provenance of the Pandar and his *Salus Populi* is obviously of critical importance, serving as one of the primary sources for the 1515 'State of Ireland'; the text of the several surviving copies described above point to the mid to late fifteenth century. Michael Bennett has observed how one of the prophecies spoken of in the text cites the years 1516.[20] And use of the term 'land of Ireland', too, dates it certainly to before Henry VIII's assumption of the kingship of Ireland in 1541. But most significantly, Bennett points out that another of the prophecies made in the *Salus Populi* 'presents the king as rescuing the Greeks and recovering Constantinople, making it probable that it was written shortly after 1453, when there was an active campaign to raise funds

[16] Thomas-Kingsmill Abbott, *Catalogue of the Manuscripts in the Library of Trinity College, Dublin, to which is Added a List of the Fagel Collection of Maps in the Same Library* (Dublin, 1900), pp. 96, 139, respectively.
[17] Thanks to Michael Bennett for his guidance in navigating the palaeography and relationships between the manuscripts.
[18] 'Who lyste make surmyse to the King for the reformation of his Lande of Irelande…' and 'Th[e]se who Liste make a surmise to the King for ye Reformation of his Land of Ireland…', respectively. *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 1; 'a report on the state of Ireland and proposals for its reformation', BL Add. MS 4763, fos. 481r-495v, f. 481r. The latter begins part-way down the first folio, preceded by what appears to be a copy of a section of the 'Memorial for the Winning of Leinster', a letter from the Dublin council to the king and his council in London, composed in 1537. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 162, p. 418.
[19] The text from TCD MSS 842 and 581 are far more legible than that of BL MS 4792, which, amongst the three, nevertheless appears to be in a relatively earlier hand. The initial passage of TCD MS 581 reads: 'The Pandaier of Ireland in his book (Salus pop[u]li) saieth that theise Conclus[i]ons followinge maie lightlie be put in execuc[i]on w[i]thout any great cost of the kinge…' 'To Reforme the State of Ireland', TCD MS 581, fos. 31r-44v, f. 31r.
[20] 'Report on the state of Ireland, with proposals for its reformation (*c*. 1515)', BL Add. MS 4792, fos. 96r-110v, f. 99v. The printed 'State of Ireland', taken from 'State of Ireland and plan for its reformation (*c*.1515)', TNA SP 60/1/9, fos. 13-28v, refers instead to the year 1517.

for this purpose across Christendom.'[21] As Heffernan has recently pointed out, the debt owed the Pandar's *Salus Populi*, by the 1515 'State of Ireland' is 'underappreciated'. A description of the 'State of Ireland' follows and will be further complemented by a discussion of its significant ideological roots in the fifteenth century and how that came to bear on early sixteenth-century English policy in Ireland.

A Brief Synopsis of the 1515 'State of Ireland'[22]

'Who lyste make surmyse to the King for the reformation of his Lande of Irelande,' the 1515 'State of Ireland' begins,

> yt is necessarye to shewe hym thestate of all the noble folke of the same, as well of the Kinges subjectes and Englyshe rebelles, as of Iryshe enymyes. And fyrst of all, to make His Grace understande that ther byn more then 60 countryes…inhabytyd with the Kinges Irishe enymyes…where reygneith more then 60 Chyef Capytaynes, wherof some callyth themselffes Kynges, some Kynges Peyres, in ther langage, some Prynceis, some Dukes, some Archedukes, that lyveth onely by the swerde, and obeyeth to no other temperall person…and hathe imperiall jurysdyction within his rome.[23]

For the compiler, the problem of Ireland was not one of ethnicity, but the rebelliousness of English and Irish alike, and the pretensions of local leaders drawn from both groups to an authority that marginalised the English king's claim to sovereignty over the lordship. It was the compiler's intent, then, to call these men out, offering valuable information to the king and his council in London, and implying a need to remedy their disobedience.

The 'State of Ireland' is broadly comprised of four parts. The first consists of several sections of names of Irish chieftains and Anglo-Irish lords, as well as of some of the towns of the Pale and other English controlled areas. The lists are interspersed with brief commentaries on the nature

[21] Bennett, '*The Libelle of English Policy*: The Matter of Ireland', *The Fifteenth Century XV: Writing, Records and Rhetoric*, 15, p. 18; 'Report on the State of Ireland', BL Add. MS 4792, f. 109v.
[22] For purposes of clarity, unless otherwise specified, the text of published version of the 'State of Ireland' will be referred to hereafter. *'State of Ireland', SP*, vol. 3, 2, Cap. 1, pp. 1-31.
[23] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 1.

of the Irish and English polities in Ireland and describe the leaders' and towns' relationships with the crown. This section differs substantially in content and tone from subsequent sections.

The structure of the second part is complicated by its inclusion of numerous elements. It includes a brief critique of the antiquated nature of the legal system in the Pale, complaints of the various extortions exercised by Anglo-Irish lords and prelates, as well as the burdensome levies of the crown itself, and, most significantly, the resulting oppression of the commons. It also introduces the enigmatic 'Pandar' in the context of a prophecy set to come about in the year 1517. This discussion of the prophecy permits the compiler to highlight his overriding purpose of finding for Ireland 'some newe remedye, that never was founde before.'[24]

But before doing so, a third section imparts a history of the issues dating from the first conquest leading to the problems currently faced by the Anglo-Irish polity and crown. The section is remarkable for a structure – redolent of the *Salus Populi*'s original poetic form – of numerous pages of sections beginning with the refrain 'Some sayeth...'[25] But the repeated phrase is remarkable too – perhaps more so – for the sense it conveys of an ongoing discussion of decades or centuries in duration describing the failed approaches to the problem of Ireland undertaken by the crown in the past. The compiler is forthright in his condemnation of some of those approaches, but so too of the current one. He adopts a critical stance towards the present administration, its officers, and adherents. Most notable among these are the deputy and nobility for adopting Irish customs and exercising extortionate practices; the prelates for their materialism and lack of pastoral care; and the crown itself for casting its eyes towards the continent rather than sparing an occasional, sympathetic glance for Ireland in the west. Nearly every significant element of the current power-structure was in some way complicit in undermining English sovereignty and obviating ancient claims to title in Ireland that dated back to the twelfth century.

[24] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 11.
[25] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 11-17.

The final section, comprising the substantial last half of the treatise, allows the compiler to draw once more upon the authority of the Pandar to present a comprehensive solution to the problem of Ireland. He returns to the matter of the oppression of the commons and the extortion they have suffered in order to finance the nobles and their defence against native Irish raids. That approach, plied for well over a century,[26] which relied heavily on the ability of regional magnates to cultivate cross-cultural affinities and project an aura of authority, had ultimately been inadequate and destructive to the colony itself. Native Irish raids had continued and combined with plague-driven demographic collapse in the fourteenth century to encourage territorial contraction and economic decline throughout the better part of the fifteenth century. The compiler therefore appeals to an old idea, but one that had gained currency in the civil upset of the fifteenth century, namely that 'the moste welthe and prosperytie of every lande is the comen welthe of the same, and not the private welthe; and the moste hurte of every lande is the comyn hurte.'[27] The lords and prelates had themselves been looking to their own, private gain, regarding little for the welfare of the commons. The compiler's remedy would require a considerable change in royal policy. Again drawing on ideas popular in the fifteenth century, he linked the wealth and welfare of the king directly with the commons.[28] Such a model had been shown to have been successful in England and could deliver up similar benefits if only it were embraced as well in Ireland. But he goes much further, drawing a picture of the 'swerde of the comen folke' that comes across as something more than merely metaphorical. It is directly linked to a seemingly more moderate conquest of Ireland, one that relied less on coercion than an adherence to law and custom, in order to subdue its native peoples and English rebels, for if the commons were put in order, 'what man can saye but all the land is conquest and subdued to the

[26] In his 'Decay of Ireland', William Darcy describes how it was that 'James Earl of Desmond, grandfather to the Earl that now is…was the first man that ever put coyne and livery on the King's subjects.' Darcy was being somewhat conservative, as numerous parliamentary petitions from the early 1400s complain of extortions levied by both Anglo-Irish magnates as well as crown officials. It may be that Darcy's ire was focussed on the Geraldines in the wake of his dismissal from the Dublin council by the new ninth Earl of Kildare. 'Decay of Ireland', *CCM*, vol. 1, Cap. 2, p. 7.

[27] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 17.

[28] M.R.L.L. Kelly observes of Fortescue that 'he is reflective of his era…His work mirrors the temper of his time.' His constitutional meditations were 'grounded…in the will of the English people, constraints upon the king, and power to parliament.' M.R.L.L. Kelly, 'Sir John Fortescue and the Political Dominium: The People, the Common Weal, and the King', in *Constitutions and the Classics: Patterns of Constitutional Thought from Fortescue to Bentham*, (ed.) D.J. Galligan (Oxford, 2014), pp. 51-85, pp. 52, 54.

Kinges obeysaunce?' Indeed, so potent a tool might it be that it is also regarded, more literally here, as a weapon that might be used beyond the island itself, a sword ready to be wielded by the king against his enemies in Scotland.[29]

It was a solution to much more than the commonplace issues laid out in the petitions, letters of grievance, and treatises of fifteenth and early sixteenth centuries. It was fundamentally a response to the equally long-term problem of how to justify a continued English presence in Ireland and reverse the effects of ongoing political, demographic, and economic contraction. Yet it was a remedy that required an evolved expression using terms and ideas that reflected the Renaissance, humanistic sensibilities of the late medieval period. An assertion of right to title by conquest could no longer hold up in the eyes of English common, continental, or canon law. But this was also a moot point, for a general reformation, or island-wide conquest, could simply not be financed.

Nevertheless, in the 'State of Ireland', the compiler, with the aid of the Pandar, and in significant contrast to all other treatises of the time, offered an economical, legal, and morally justifiable means of re-asserting English title to the whole of Ireland. He did so by appealing both to a local shared identity and history, but more importantly, to a section of the population, the commons – whose mobilisation in terms of wealth and power had been increasingly sought after in the course of the middle and late fifteenth century – and the idea of the commonweal.

The lack of evidence relating to the authorship and reception of the 'State of Ireland' in administrative circles is a substantial obstacle to gaining a fuller understanding of the treatise and its position in the reform canon. But its presence in the *State Papers,* the existence of copies available in a variety of archives and collections, as well as parallels with other treatises of the period, and its extensive historical depth, warrants further investigation. Indeed, historians have generally recognised its significance and included it in their discussions of Tudor Ireland, albeit at times understandably fleetingly. It is here hoped that a more sustained focus on the treatise will

[29] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, pp. 18, 26.

help tease out further significant detail and at the very least provide important context for a broader discussion about Tudor reform discourse relating to Ireland.

Problems

Historical Causes of Decay

Not surprisingly, the 'State of Ireland' shares common content with the parliamentary petitions and letters of grievance of the fifteenth century, as well as more contemporary treatises like those of Patrick Finglas and William Darcy. These letters and treatises were primarily concerned with relaying to the king and council particular complaints as well as historical causes of decay in the lordship. In the 'State of Ireland' this was a necessary precursor to the discussion of remedies. To that end, the text initially engages with several possible causes of decay – geographical, economic, judicial, and demographic. The compiler's consideration of what were ultimately long-standing complaints and familiar causes highlights the ongoing nature of reform discourse, or more particularly what historian Peter Crooks has termed a literature of complaint and remedy.[30]

According to fifteenth-century complainants, contemporaries, and the compiler himself, the causes of decay elicited in the 'State of Ireland' had deep historical roots, many embedded in the years following the conquest.[31] The deaths of the Earl Marshal and the Earl of Ulster without male heirs inaugurated persistent issues of absenteeism.[32] The Black Death and recurring plagues in the latter half of the fourteenth century depleted the more densely populated Anglo-Irish regions and seriously damaged the economy.[33] Additional causes included a general breakdown

[30] The outstanding feature of much of this literature is its tendency to hyperbole, but this ought not deter the historian from taking it seriously. Crooks explains: 'The literature of complaint can be read against the grain not only to demonstrate the expectations of the good ruler and the boundaries outside which the government could not stray, but also to provide a more satisfying explanation of political activity itself.' The literature of complaint and remedy, he explains, constitutes one element in a nascent research agenda that includes 'identifying the political languages or "discourses" through which ideas were expressed,' and which, in particular, can provide insight into the 'conceptual framework of English *governance*,' in Ireland. Crooks, 'Structure of Politics', *CHI, 600-1550*, vol. 1, pp. 443-4. *Cf*. Ellis' dismissal of William Darcy's 'hyperbole': Ellis, 'William Darcy of Platten', *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, p. 34.
[31] The historical causes are discussed over several pages. *'State of Ireland', SP*, vol. 3, 2, Cap. 1, pp. 11-17.
[32] Finglas, 'Reformation of Ireland', *CCM (1515-74)*, vol. 1, Cap. 1. See pp. 1-2 for the partition of 1247, which marked the beginning of the issue of absenteeism in the lordship; Frame, *Colonial Ireland*, pp. 74-5.
[33] Otway-Ruthven, *A History of Medieval Ireland*, pp. 267-70; Gwynn, 'The Black Death in Ireland', *passim*.

in the effectiveness of the common law; the timidity of the Dublin council in the face of magnate affinities and authority; as well as the materialism of the church prelates, and their failure to preach and administer requisite pastoral care.[34]

As with numerous parliamentary grievances expressed throughout the fifteenth century, the accusation of royal negligence was raised in light of the crown's continuing preoccupation with France, as well as civil unrest in England itself.[35] More unique was the observation of the cost and ineffectiveness of the king's army when he did choose to intervene in Ireland. Yet in the absence of such royal interventions, the compiler also pointed out the harm caused by the adoption of Gaelic customs, notably by the deputy and nobility, and most importantly as it resulted in the extortion of the commons.

External Tyranny: extortion, violence, and Gaelic custom

For many complainants, historical causes of decline were front-and-centre in their petitions and letters. The 'State of Ireland', however, does not offer a similar consideration until some eleven pages into the treatise. Rather, its initial passages are concerned with what the compiler regards as the overriding issue that needs to be addressed, here described as the idea of tyranny, and which guides his approach to remedies later in the text. The first passages of the text, then, set out what he perceives to be the true problem of Ireland.

It is important to acknowledge that the 'State of Ireland' does not once use the words 'tyrant' or 'tyranny'. This need not be expected, for poets and polemicists of the fifteenth and early sixteenth centuries, as with the compiler of the 'State of Ireland', use of the word 'tyranny' to describe political authority was rare. But it was nevertheless a familiar concept that featured in

[34] Many of these issues were also brought up in contemporary tracts by William Darcy and Patrick Finglas: 'Decay of Ireland', *CCM*, 1, Cap. 2; Finglas, 'Reformation of Ireland', *CCM (1515-74)*, vol. 1, Cap. 1.

[35] Criticism early in the century often took the form of accusations of chronic underpayment by the king's vice-regent and the apparent unwillingness of the crown to recompense soldiers, who in turn could not reimburse the local husbandmen upon whose lands they were billeted, exacerbating complaints of unlawful extortion. See, for example, a parliamentary petition of 1417: Ellis, *Original Letters*, vol. 1, p. 55. For 1421, see: Betham, *Constitution of England*, p. 337. For 1429, see: Betham, *Constitution of England*, p. 354. And for 1474, see: Bryan, *Great Earl of Kildare*, p. 19.

numerous forms of literature and its direct verbalisation became increasingly common in the early 1500s.[36]

The conception of tyranny in the 'State of Ireland' is perhaps closest to the definition by John of Salisbury (c. 1110-1180) in his *Policraticus*.[37] There he describes how '"[t]yranny exists not only in the case of princes, but everyone is a tyrant who abuses power that has been granted to him from above over those who are subjected to him,"' and that '"[i]n common speech the tyrant is one who oppresses a whole people by rulership based on force."' For the compiler of the 'State of Ireland', like John, the distinction between a prince and a tyrant lay in due observation of the law, where the latter '"oppresses the people by rulership based upon force, and regards nothing as accomplished unless the laws are brought to nought and the people reduced to slavery."'[38] For the compiler, it was the extortion of the commons – on both sides of the ethnic divide – that represented a repudiation of natural, divine, and temporal (English) law.[39] The use of physical force by the chieftains to retain power, and the employment of a variety of extortions to maintain their armies resulted in the reduction of tenants and commons to what John of Salisbury might have described as a state of 'slavery'.

Conceptions of what tyranny was and what characteristics constituted a tyrant can be traced back to antiquity. Aristotle, for example, defined a tyrant as one 'who is not required to give an account of himself, and who rules over subjects all equal or superior to himself to *suit his own interest and not theirs,*'[40] drawing out the link between personal and private interests and the motives of those in positions of authority who operationalise them. Early medieval thinkers like Isidore of Seville (*c*. 560-636) pointed out that 'law ought "not to be enacted for the private good

[36] Jean-Philippe Genet, 'The Problem of Tyranny in Fifteenth Century England', *Moreana*, 50, 191/192 (2013), pp. 43, p. 45.
[37] David Rollison points to Salisbury's *Policraticus* as representing 'the first dawning of the age of the commonweal,' once centred around the commons' opposition to tyranny. David Rollison, *A Commonwealth of the People: Popular Politics and England's Long Social Revolution, 1066-1649* (Cambridge, 2009), pp. 47-8.
[38] John Dickinson, 'The Mediaeval Conception of Kingship and Some of its Limitations, as Developed in the Policraticus of John of Salisbury', *Speculum*, 1, 3 (1926), pp. 308-37, p. 325.
[39] See Fenlon's interpretation of More's *Richard III*, where he declares that '[h]uman law, natural law, divine law: all these the tyrant violates when he pursues his course.' Dermot Fenlon, 'Thomas More and Tyranny', *The Journal of Ecclesiastical History*, 32, 4 (1981), pp. 453-76, p. 457.
[40] Italics mine. Aristotle, *The Politics*, (ed.) Travor J. Saunders and (trans.) T.A. Sinclair (London 1992), Book 4, Ch. 10, p. 263.

of any individual, but in the common interest of all the citizens."'[41] Both notions, with their concern for public and private interest, would become significant centuries later in the minds of Renaissance thinkers seeking to understand the obligations of the member-bodies of the polity, and in the development, in the English context, of the idea of the commonweal.

In the later medieval period, Thomas Aquinas (1225-1274) linked the private interest not only to the conventional elite, but also to that of the ruler, intimating his unique ability to do great harm to the community at large, presumably by the promulgation of unjust laws.[42] In his *De Regimine Principum*, Giles of Rome (*c*. 1243-1316) offered what also became a common late-medieval definition, one that when invoked referred explicitly to the extortionate practices of princes: 'The tyrant is first and foremost the prince who puts possession of earthly goods before anything else, and private good before public good,'[43] once more bringing into relief the intimate connection between tyranny and the private good in contrast to the public or common good. Indeed, the compiler of the 'State of Ireland', when setting out his remedies for the king and council, reports the Pandar's view that 'the moste welthe and prosperytie of every Iande is the comen welthe of the same, and not the private welthe.'[44] For the compiler – with a characteristic Renaissance aversion to the merest whiff of tyranny – no expression of political authority could stray farther from the interests of the commons or the crown.

The compiler begins with a brief political description of the island, describing sixty regions of varying size inhabited by the king's 'Irish enemies'. The leaders in these regions, he says, 'makeyth warre and peace for hymself, and holdeith by swerde, and hathe imperiall jurysdyction within his

[41] Taken from an excerpt of Francisco de Vitoria's 1532 'War and the Law of Nations', in: James Bruce Ross and Mary Martin McLaughlin (eds.), *The Portable Renaissance Reader* (1981), p. 367. Other thinkers had contrasting ideas: Augustine, for example, regarded the tyrant as an unjust king sent as divine punishment. Genet, 'The Problem of Tyranny in Fifteenth Century England', p. 46.
[42] Alina Mungiu-Pippidi, *The Quest for Good Governance: How Societies Develop Control of Corruption* (Cambridge, 2015), p. 59.
[43] This is the definition most prominently used in Giles of Rome's (*c*. 1243-1316) *De Regimine Principum*, what Genet has described as the 'most widely read medieval political textbook.' Genet, 'The Problem of Tyranny in Fifteenth Century England', pp. 49-50, 55, and 61. *Cf*. Giles' notion that, by contrast, 'the king's *dominium* is justified by his pursuit of the common good.' M.S. Kempshall, *The Common Good in Late Medieval Political Thought* (Oxford, 1999), p. 271.
[44] *'State of Ireland', SP*, vol. 2, 3, Cap. 1, p. 17.

rome.'[45] Authority, he says, is not automatically conferred in the manner of primogeniture: 'eny of the said capytaines,' he explains, 'shalle not succede to his fader, withoute he be the strongeist of his nation.' Prospective leaders must demonstrate their power by force of arms and gain recognition from other members of the sept.[46] There is, therefore, no straightforward means of lawful succession to the chieftaincy.[47] The wealth and authority of the chiefs and their captains is nourished by means of the extortion of their tenants; it is only by these means that they are able to maintain armies substantial enough to retain their positions.[48]

The rapid division of land through partible inheritance and rewards for service, the absence of a stable means of transferring political authority, as well as the use of a variety of extortionate methods to generate wealth, were together a common cause of dispute and disorder. Stability, then, was greatly dependent on a chief's ability to project and enforce his authority and retain the loyalty of his followers by means of raiding, extortion, and disbursing rewards. It would also involve some degree of luck, as a chief's ability to avoid death – whether during a raid, revenge-attack by another sept, or assassination by one of his own – would determine if the sept would have to undergo the often tumultuous process of selecting another leader. Based on his description of the Irish polity, the problem of Gaelic Ireland as the compiler perceived it was one of manifest tyranny.

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[45] *'State of Ireland', SP*, vol. 2, 3, Cap. 1, p. 1. The lists of Irish chiefs run from pp. 1-5.

[46] S.J. Connolly has recently discussed this in his *Contested Island*, pp. 10-12, pointing out the interchangeability of the terms: 'lineages, clans, or septs,' which 'provided the basis for fragmented political systems of separate and internally self-governing lordships.' He notes that 'clan' is normally used to describe Scottish lineages, and is associated with the loose connections of a people with an ancestral lineage, while the term 'sept' was adopted by English writers and implies a firmer 'line between members of the ruling lineage and the large majority who made up the remainder of the population.' He points out, moreover, the problematic 'romantic connotation,' inhering in the term 'clan', which implied 'a whole society vertically integrated by real, or even imagined, ties of kinship.' 'Sept' has here been adopted throughout.

[47] It is worth noting here Nicholls' description of the uncertainty of succession in the Irish system tanistry: that it 'frequently happened that the nominated tanist did not in fact succeed, being ousted by a stronger contender.' Nicholls, *Gaelic and Gaelicised Ireland in the Middle Ages*, p. 26.

[48] The compiler describes armies of up to 500 spearmen, 500 galloglasses, and 1,000 kern. Interestingly, these totals are markedly lower than the sums listed in a summary of the 1490s entitled 'A discruption of the power of Irishemen'. Both McCarthy More and McCarthy Reagh of the province of Desmond, for example, are said to have been able to muster some 2,000 kern in addition to numerous horsemen and galloglasses. See: Maginn and Ellis, *Tudor Discovery*, pp. 81-2, where a full transcription of the document is provided.

Irish political, cultural, and legal norms had long sat uncomfortably alongside English constitutional ideas of monarchical rule, legal customs like primogeniture and the common law, as well as cultural norms of dress and behaviour. That tyranny was a prominent characteristic of the Irish polity would not have surprised an English observer. What was alarming to the compiler of the 'State of Ireland' was that so many of its characteristics were also observable in the Anglo-Irish polity.

Internal Tyranny: corruption, negligence, and coercion

Irish legal and social customs had in the centuries since the first conquest been adopted by successive Anglo-Irish lords, raising the spectre of cultural admixture or what some historians have termed 'gaelicisation'. For the compiler, the adoption of even benign cultural aspects like language and dress offered a vector for the transmission of Gaelic political practices regarded by English thinkers as coercive, violent, and tyrannical. They were a virulent danger, the compiler felt, that required immediate redress. Among the lists at the beginning of the treatise, thirty-two lords are described as following 'the same Iryshe ordre,' or subscribing to the same rules of governance as the Irish, making 'warre and pease for hymself, without any lycence of the King.'[49]

If, as some historians suggest, a wholesale gaelicisation was not underway by the fourteenth century, there was nevertheless little question that by the fifteenth century the bounds of the original Anglo-Irish colony itself was in retreat. In the far-flung provinces of the lordship like Connacht, the Burkes provided one example of the adoption of Gaelic culture by a powerful Anglo-Irish family. But it was particularly evident in the growing distinction between a 'land of peace' at the heart of the Pale and its border marches, which from mid-century were required to be fortified by a network of ditches, reflecting 'the vulnerability of the English territory to attack from the Irish lordships.'[50] Erosion and retrenchment was a state of affairs that persisted well into the next century.

[49] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 6.
[50] Connolly, *Contested Island: Ireland 1460-1630*, pp. 37, 41.

The trials of the late fifteenth and early sixteenth centuries are in evidence in the 'State of Ireland' as well. In the lists comprising the first section of the treatise, many regions, towns, and villages of the Pale and beyond are described as being past the reach of English law and the king's writ. The final passages of that section end with three short lists, the first naming those Anglo-Irish counties that 'obey not the Kinges lawes, and have neyther Justyce, neyther Shyryffs, under the King.' The second list points out that half the counties of Louth, Meath, Dublin, Kildare, and Wexford obey the king's laws, while the final list names those counties who pay tribute to the 'wylde Iryshe' in order to stave off raids. While they have fallen to Irish order and customs the compiler points out that many within are nonetheless amenable to English law, if only 'they myght be defended by the King of the Iryshe enymyes.'[51]

Defence against this creeping Gaelic tyranny was unsurprisingly reliant on the ability of the king's authority to reach the extents of his Irish lordship. This was no longer possible owing to a century-long demographic decline and the retreat of English military authority, frontier-borders, and cultural influence. But the compiler also observed that the decay of crown authority in outlying areas was occurring concurrently with a breakdown of justice in more proximal areas of the Pale where the king's justice was seen to be authentically operative. In such instances, a kind of insidious tyranny of law was at work. Comparing the late-medieval retreat of English authority in outlying areas with the region of the Pale, the compiler opens the second section of the 'State of Ireland' by marvelling that there remain as many justices of the King's Bench and the Common Pleas, as well as officers, ministers, and clerks of the courts 'as ever ther was, when all the land for the more parte were subgett to the lawe.' For this reason, the king's subjects in the Pale had been unnecessarily 'vexed'; litigiousness had become so rampant and damaging that, in desperation, Pale landholders would 'be gladde to sell ther freholdes for ever.'[52]

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[51] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, pp. 8-9.

[52] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 9. The assessments of many reform writers of the early sixteenth century are at odds with Ellis' view that the borders of the Pale were expanding. This may, as Ellis has noted elsewhere, have had to do with the hyperbolic nature of many of the treatises. In the case of the 'State of Ireland', this might bolster the case for its long historical pedigree, extending back before the English resurgence Ellis describes. On his description of the increase of subsidy payments by the baronies and the inferred increase in the extent of tillage, suggestive of augmented stability and expansion in the last decades of the fifteenth and early years of the sixteenth centuries, see: Ellis, *Defending English Ground*, pp. 45-51. For Ellis' view of William Darcy's

Several members of the parliament of 1421 had testified to the sort of corruption intimated in the 'State of Ireland'. A letter of grievance was sent to the king condemning 'persons, not literate…hold[ing] certain offices in your exchequer.' The exchequer had, we hear, appointed deputies in his stead. These clerks of the exchequer, and 'others', sometimes 'occupy two or three offices,' and levy 'great and excessive fees' to the benefit of themselves and their executives.[53] The escheator of the lordship, resident in England, is also singled out for appointing unscrupulous auxiliaries who have 'committed great damages and oppressions on your said lieges, by reason of the great annuities they send to their principals.'[54] The extortionate practices of the native Irish, often in the form of tributes, which the Anglo-Irish nobles, gentry, and commons came increasingly to complain of in the later decades of the fifteenth and into the sixteenth century, were one thing, but in the early fifteenth century, amongst the concerns expressed, the practices of the king's own governor, his primary administrative officers, and their proxies, were front-and-centre.

This sort of administrative obstructionism was regarded by the compiler as tantamount to the extortionate practices suffered by the outlying marchers who, subject to raids, would seem to have had better reason to be inclined to quit Ireland.[55] Nevertheless, in both instances a kind of tyranny was operative. On the periphery, it was one fuelled by the physical attacks of the native Irish and the need for extortion to pay for defence. In the centre, however, it was one constituted of crown and conciliar negligence of administrative decay, and the application of vexatious litigation. According to the 'State of Ireland', both forms had contributed in no small way to the decline of the lordship's overall population and the consequent endangerment of the crown's claims of territorial sovereignty.

The need for the Anglo-Irish marcher lords to forcibly draw on the resources of local tenants presented a frustrating set of circumstances for anyone who sought to address issues relating to

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treatise as hyperbolic, see for example: Ellis, 'William Darcy of Platten', *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, p. 34.

[53] Betham, *Constitution of England*, p. 343.

[54] Betham, *Constitution of England*, p. 344.

[55] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, pp. 9-10. This section is omitted in: 'Report on the State of Ireland', BL Add. MS 4792, f. 99r.

the lordship. For fiscal and practical reasons, the king preferred to appoint a magnate as his lieutenant or deputy in the lordship. 'The appointment of an Englishman as chief governor, because of the growing poverty of royal resources in Ireland, involved equipping him with an army supplied by and paid for from England,'[56] whereas, by contrast, the great Anglo-Irish lords had strong power-bases, ready armies, and most importantly the means – albeit through extortion of the tenantry – to fund them. Whether Fitzgerald, Butler, or Talbot, the crown needed the resources of the magnates to maintain order in the lordship. The occasional risk their unrestrained powers posed to royal sovereignty would seem to have been worth it; serious challenges by the magnates were relatively rare, coming only in the years 1462, 1478, 1487, and 1534.[57]

For the compiler of the 'State of Ireland', however, this presented a paradoxical political and moral dilemma. The conferral of unfettered authority on the magnates and their virtual stranglehold on the governorship validated the extortion of the commons as a means to provide their own protection. The commons were, in short, being injured in order to spare them injury. Indeed, unlike the king's army in England, which was conceived to be comprised of the commons offering protection to the commons, 'the Kinges army in Ireland is all suche that oppresse the comyns.'[58] Those given charge of the king's forces in Ireland – the noble magnates – are therefore roundly condemned: 'Hyt passeyth ferre the oratours and the Museis all, to shewe all the order of the noble folque, and howe crewell they enterith[59] the poore comyn people.'[60]

The permissiveness of the crown made it complicit in extortion as well. Even some English governors appointed in the early years of the fifteenth century were singled-out and condemned for billeting their troops on the commons without providing recompense. In parliamentary

[56] Quinn, 'Aristocratic Autonomy, 1460-94', *NHI (1169-1534)*, vol. 2, p. 593.
[57] Quinn, 'Aristocratic Autonomy, 1460-94', *NHI (1169-1534)*, vol. 2, p. 593.
[58] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 10.
[59] 'Enterith' here in the published version and its corresponding manuscript, TNA SP 60/1/9, appears to be an error of transcription, seeming to make little sense in the given context. By contrast, the manuscripts of another version use the word 'entreat', which could be used to mean 'to treat, or use one well or ill.' 'Report on the State of Ireland', BL Add. MS 4792, f. 102r; James Orchard Halliwell, *Dictionary of Archaic and Provincial Words* (London, 1874), vol. 1, p. 337. This provides additional evidence that the later compilers likely had another, hitherto undiscovered manuscript of the 'State of Ireland', or perhaps the Pandar's original *Salus Populi* at hand.
[60] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 14.

complaints of the time, John de Stanley, lieutenant in 1399 and 1413-14, was said to have 'paid little or nothing of his debts to your said lieges, but committed divers extortions and oppressions from time to time, against the form of your laws.'[61] And John Talbot, Lord Furnival, lieutenant from *c*. 1416-19, was similarly criticised for 'many great and excessive extortions and oppressions, as well upon religious people and other of holy church, as upon your said lieges,' going on to specify that 'their goods and chattels [were] taken, [he] paying little or nothing for them.'[62]

Understandably, writers criticising the crown had to be careful and sought a variety of means to make their objections known. They might, as described above, directly condemn a representative of the crown like the lordship's governor. But if their accusations struck closer to the crown, they sometimes drew upon the legitimacy offered by visions and prophecy. The 'State of Ireland', for example, introduces the historically enigmatic prognosticator, 'the Pandar', who invokes St Brigitta, recalling that she asked 'her good Anglle…"Of what Crystyn lande was most sowlles damned?", whereupon the angel 'shewyd her a lande in the weste.' The Pandar relates the litany of calamities suffered by this land, consumed as it is by 'warre, rote of hate and envye, and of vyceis contrarye to charytie,' concluding that 'it cannot be denyed…but that the Angell dyd understande the lande of Ireland.' The visions of St Brigitta also provide a historical backdrop against which the Pandar somewhat cryptically prophesises that in Ireland in the year 1517, 'such folke, as was moste feble, shalbe most strong, and suche folke, as was moste strong, shalbe more strong, and fewe better then they was.'[63]

While the use of visions and prophecy could be construed as seditious, they are used in the 'State of Ireland' in a somewhat tangential way, softening the blow, as it were, and sparing the author or compiler any of the dire repercussions one might expect from a more direct challenge to royal

[61] Betham, *Constitution of England*, p. 340.
[62] Betham, *Constitution of England*, p. 341. Criticism early in the century often took the form of accusations of chronic underpayment by the king's vice-regent and the apparent unwillingness of the crown to recompense soldiers, who in turn could not reimburse the local husbandmen upon whose lands they were billeted, exacerbating complaints of unlawful extortion. See, for example, a parliamentary petition of 1417: Ellis, *Original Letters*, vol. 1, p. 55. For 1421, see: Betham, *Constitution of England*, p. 337. For 1429, see: ibid., p. 354. And for 1474, see: Bryan, *Gerald Fitzgerald: The Great Earl of Kildare (1456-1513)*, p. 19.
[63] 'State of Ireland', *SP*, vol. 3, 2, Cap. 1, pp. 10-11.

authority. Indeed, the 'State of Ireland' appears to follow the sort of formula outlined by Rupert Taylor, where that scholar points out that 'it was a convention of the genre to make a review of actual history in prophetic guise before proceeding with the prophecy proper...[often] taking prophecy and the interpretation from some predecessor's account of the same thing…[and where] the events predicted were indicative of the writer's wishes and desires, or reflected the spirit and sentiments of the times.' While the monarch might obliquely be criticised, 'the writer [recording] the faults of the king and the miseries of the people…did this rather to admonish the king, for he predicted the king's ultimate repentance and reformation.'[64] The author of the 'State of Ireland' could then offer a critique of crown policy over the course of the centuries of English intervention in Ireland, yet still imply complicity on the part of the reigning monarch without directly impugning him. But, in concert with this tactic, a pointed critique of the lord deputy permits him to make a more assertive call for reform.

In those instances where the governor was seen to have abused the authority vested in him, it was often the voices of the gentry and lesser nobility who were heard in parliamentary grievances. But for the compiler it was a much more serious thing that the 'poor commons' should suffer also, for two reasons. On the one hand, the king's prosperity was directly linked to the prosperity of the commons. The compiler of the 'State of Ireland' declares that

> "as the comen folke fareith, so fareith the King," that is to saye, riche comen, a riche King; poore comyn, poore King; feble comyn, a feble King; strong comyns, a strong King: ergo it folowyth, a rich King and comyns in Ingland, a poore King and comyns in Ireland.[65]

It was not a unique declaration and can certainly be evidenced as early as in the writings of John Fortescue in the previous century.[66] On the other hand, the manifest inefficacy of royal law to prevent extortion, and the direct complicity of the deputy and magnates in its application, had

[64] Rupert Taylor, *The Political Prophecy in England* (New York, 1911), vol. 2, pp. 85-90 and 105.
[65] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 10.
[66] John Fortescue, *The Governance of England: Otherwise Called the Difference Between an Absolute and a Limited Monarchy* (London, 1885), pp. 137-8. Fortescue, too, criticised the crown for its neglect of training the commons in the skills of archery – a criticism repeated in the 'State of Ireland'.

brought about the reduction of the commons to poverty and, by elision – recalling John of Salisbury's definition – to slavery and submission to tyranny.

Nevertheless, the compiler makes an effort to consider the complex nature of circumstances in Ireland. Much of the middle section of the text is constituted of refrains comprised of the phrase 'Some sayeth...', a rhetorical tactic that serves well to offer a survey of the broader opinions of the time, and aids in laying the groundwork for the author's further consideration of reformist arguments. Amongst these is an in-depth consideration of the problem of extortion, and coyne and livery in particular. Perhaps, he supposes, these extortions were actually required for the English to govern in Ireland: 'Some sayeth, that the saide extortions maye not cesse, wythoute that the Iriyshe enymyes cesse fyrst of ther warre,' or 'wythoute the meanes mought be founde, that every countye shulde be stronge inoughe, and able to defende hyt hymself from all other enymyes, wythoute ayde, succurre, or any supportt of the Kinges Deputye.' But both possibilities were 'impossyble, as they sayde: ergo, coyne and lyverye, and the extortions, shalle never cesse.'[67]

But he also considers that

> [s]ome sayeth...that the Kinges subgetes hadde never better pease with ther enymyes, in 300 yere, then they have nowe; and that the Iryshe enymyes was never more adred of the Kinges Deputye, then they be nowe; and that Englishe mennes landd was never better tyllyd in this hundred yere, then nowe; and all this coulde not be don wythoute myght and strayngeyth of the Deputyes armye and retynue, whiche he could not holde wyth hym, wythoute the said extortions: ergo, extortion is that thing that defendeyth, and not that thing that destrueth the Kinges subgettes.

This, and a similar set of prosperous circumstances in the lands of the native Irish, to some, demonstrated the effectiveness of extortion in what appeared to be beneficial, land-improving, peace-encouraging good governance.

[67] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 14.

But, however effective, beneficial, or destructive government by extortion and physical coercion was, it was the motives of those governing that needed to be considered. For behind these were baser impulses. The prince, captain, or administrator under such a system, the compiler explained, defended and encouraged prosperity only to the end of enriching himself, to, that is, 'thentent to devoyre them [the common folk] by hymself, lyke as a gredy hounde delyveryth the shepe fro the wolffe.'[68] Prosperity, in this instance, flowed in only one direction, away from the commons to the elite. Amongst the Anglo-Irish, under nobles and deputies who governed in the same fashion, the English commons in Ireland 'shalbe, withyn a fewe yeres, of worse condytion in every degre, then the sayde Iryshe caytyffes.'[69] The latter term, meaning 'captives', is telling, and consistent with the compiler's continuing attack on the various manifestations of tyranny perceived to be operative in Ireland.

For the compiler, then, there were virtually no circumstances under which extortion could be justified. They were political and spiritual anathema, 'contrarye to the lawe of Godde and manne.' Without remedy, 'Godde hymself, by his ordynate power, cannot assoyle[70] hym that use hyt,' be they deputy, noble, or the king himself. For the latter, who 'bere the charge and the cure temporall,' must, like the shepherd 'rendre accompte of his folke.' The king had to act.

It was an extraordinarily vehement exhortation to the king to recall his royal duty to the commons. Any undue insult to the royal person was mitigated by the compiler's acknowledgement that the king may well just have been misinformed by 'dyverse of the noble folke, shewing otherwyse then the lande is.' But the text nevertheless put forward an insistence

[68] In spite of the probable wide-circulation of the simile, Bradshaw notes that it may have been taken from Plato's *Republic*, '[e]mphasising the humanist provenance of this treatise,' particularly in the sense of the 'ruler who protects his subjects from external dangers while exploiting them himself,' a theme that repeats in much of the reform literature relating to the lordship. Bradshaw, *Constitutional Revolution*, p. 52; Plato, *Republic* (Wheeling, Illinois, 1979), Book 3, 416a-b, p. 85. Interestingly, Skinner observes that some notions about the best state of a commonwealth and how that was to be achieved, notably ideas about an individual's obligation in relation to accepting or rejecting participation in civic office, only 'became increasingly popular after Ficino's translations in the 1480s [which] made Plato's political doctrines widely available for the first time.' Quentin Skinner, 'Sir Thomas More's *Utopia* and The Language of Renaissance Humanism', in *The Languages of Political Theory in Early-Modern Europe*, (ed.) Anthony Pagden (Cambridge, 1990), pp. 123-57.

[69] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, pp. 16-17. The author uses the word 'caytyffes', which is presumably an alternate spelling for 'caitif: a captive.' Definition taken from: Walter William Skeat, *A Glossary of Tudor and Stuart Words: Especially from the Dramatists* (Oxford, 1914), p. 59.

[70] 'Pardon'. See: Skeat, *A Glossary of Tudor and Stuart Words: Especially from the Dramatists*, p. 17.

that the king henceforth be held to account. At stake was the welfare of the commons, and so too the prosperity of the crown itself. As things stood, with English governance in Ireland reliant on various extortions levied upon the commons, the compiler pointedly declared that 'hyt were more honor and worship,' for the king 'to surrendre his clayme therto.'[71]

English Claims to Title

There is evidence of a long-running discourse relating to the matter of English claims to title in and over Ireland. One widely utilised text is perhaps best known from its fifteenth-century context, when in 1422 James Young leveraged its claims on behalf of English title in a book honouring James Butler, fourth Earl of Ormond.[72] His *The Governaunce of Prynces* or *Pryvete of Pryveteis* was an English translation of a French "mirror for princes" known as the *Secreta Secretorum* by Geoffrey of Waterford.[73] Several of its passages relating to English claims to Ireland were themselves likely borrowed from Gerald of Wales' *Expugnatio Hibernica* (1189), as well as his *Topographia Hibernica* (1186-7).[74]

These were a series of claims that centred around the continental origin of the native Irish peoples, who were claimed to have been ruled by proto-English lords. Gerald says:

> Therefore let the envious and thoughtless end their vociferous complaints that the kings of England hold Ireland unlawfully. Let them

[71] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, pp. 14-15.

[72] O'Byrne observes that 'Yonge's translation was a propaganda piece meant to enhance Butler standing in Ireland among the…Irish nobles, merchants, and ruling classes,' in addition to confirming the Lancastrian succession. Theresa O'Byrne, 'Dublin's Hoccleve: James Yonge, Scribe, Author, and Bureaucrat, and the Literary World of Late Medieval Dublin' (PhD, Notre Dame, 2012), pp. 44-5; Theresa O'Byrne, 'Notarial Signs and Scribal Training in the Fifteenth Century: The Case of James Yonge and Thomas Baghill', *The Journal of the Early Book Society for the Study of Manuscripts and Printing History*, 15 (2012), pp. 305-18, p. 305; T. P. Dolan, 'Yonge, James (fl. 1405–1434)', *ODNB*, Accessed 26 Oct. 2014, http://www.oxforddnb.com/view/article/30224; John D. Seymour, 'James Yonge. A Fifteenth Century Dublin Writer', *The Journal of the Royal Society of Antiquaries of Ireland, Sixth Series*, 16, 1 (1926), pp. 48-50, p. 50.

[73] "Mirrors for princes" since the twelfth century 'consistently contrasted good kingship, exercised for the common good of the people, with tyranny, defined as the unreasonable pursuit of the ruler's private interests.' W. Mark Ormrod, '"Common Profit" and "The Profit of the King and Kingdom": Parliament and the Development of Political Language in England, 1250-1450', *Viator*, 46, 2 (2015), pp. 219-52, p. 226; Alan Bliss and Joseph Long, 'Literature in Norman French and English to 1534', in *NHI (1169-1534)*, (ed.) Art Cosgrove (Oxford, 2008), vol. 2, pp. 708-36, p. 735. I am grateful to Peter Crooks of Trinity College Dublin for bringing James Yonge's works to my attention.

[74] Also known as *The English Conquest of Ireland* and *The History and Topography of Ireland*, respectively. The dates for the Giraldus' texts are taken from: Robert Bartlett, 'Gerald of Wales (c.1146–1220x23)', *ODNB*, Accessed 31 Oct. 2014, http://www.oxforddnb.com/view/article/10769.

> learn…that they support their claims by a right of ownership resting on five different counts, as is revealed in the Topography. For [Monmouth's] *British History* bears witness to the fact that when Gurguintius, son of Belinus and king of Britain, was returning in triumph from Dacia, he found the Basque fleet in Orkney, and having provided them with guides, sent them for the first time into Ireland.[75]

For his part, Yonge streamlines the narrative. In his account Gurguintius, titled 'Gurgonynce', is identified as both king of Britain *and* lord of Bayonne. In this manner Yonge eliminates any question of territorial sovereignty that one might have had from reading Giraldus' account, where Gurmundus, identified only as king of Britain met a group of Basque exiles and sent them into Ireland. English title to Ireland would be strengthened by a narrative that based overlordship on the double-claim of Gurmundus being lord of the Basque-Irish even before they left the continent, and as their benefactor on the high seas. Yonge elaborates on this meeting of Gurmundus and the leaders of the Basque exiles whose captains

> hyberus and herymon wenten to this kynge, and hym tolde the cause of har comynge, and hym Prayed with grete Instaunce, that he wolde graunt ham that thay myght enhabite Some lande in the weste. Att the laste the kynge, by avyce of his consaille, graunted ham Irland to enhabite.[76]

It is significant that no mention is made by Yonge of the conquest implied by his own account, whereas it is certainly made explicit in the much earlier *Expugnatio*. One assumes that in Yonge's version the Basque exiles went on to conquer some territory in Ireland and settled permanently. This is a far cry from Giraldus' Gurmundus who 'come into Irland, and toke the londe;'[77] or his 'Herimon', one of the captains of the Basque exiles, it will be recalled, who he notably includes as the first in his list of kings of Ireland, who 'achieved the kingship of the whole island not through any ceremony of coronation, or rite of anointing, or even right of heredity or order of succession, but only by force and arms.'[78] Giraldus' focus lay on the right of title by conquest.

[75] Giraldus Cambrensis, *Expugnatio Hibernica* (Dublin, 1978), p. 149.
[76] James Yonge, 'Secreta Secretorum (*c*. 1422)', in *Three Prose Versions of the "Secreta Secretorum"*, (ed.) Robert Steele (EETS extra ser 74 London, 1896), pp. 119-248, p. 184.
[77] Frederick James Furnivall, *The English Conquest of Ireland. AD 1166-1185: Mainly from the'Expugnatio Hibernica'of Giraldus Cambrensis* (London, 1896), p. 137.
[78] Giraldus Cambrensis, *The History and Topography of Ireland* (London, 1982), p. 123.

Yonge's concern seems, by excluding these elements of Giraldus' accounts, to have been to emphasise a right to title based primarily on oath and agreement.[79]

It is within this framework that the 'State of Ireland', with its fifteenth century roots and its continued evolution in an early sixteenth-century context, must also be assessed. After the Anglo-Norman conquest, English claims to title in Ireland had to be backed by physical occupation, use, and defensibility. Yet extortion and 'rule by the sword' were regarded by the compiler and contemporaries as increasingly neither a politically nor morally viable means of asserting title. It is unsurprising, then, that a century after James Yonge's moderated claims, the 'State of Ireland' was to further condemn the tyrannical form that the English administration in Ireland had come to adopt, through exposure to native Irish customs as well as through its own folly and the negligence of the crown. Under such circumstances, English claims to title in Ireland could never be legally pursued and proven; even in those few areas still controlled by the English, they were indefensible because of rampant extortion and administrative corruption. For the compiler of the 'State of Ireland', anything less than a complete conquest, or general reformation, would damage English claims altogether. The issue of legitimacy could be definitively settled and a firm basis of claim established if the king were to mobilise his commons and leverage the idea of the commonweal.

Remedies

It is the focus on remedy in general, and this remedy in particular, that distinguishes the 'State of Ireland' from a preceding 'literature of complaint'. Even the contemporary tracts of Finglas and Darcy, weighted as they are to cataloguing complaints, are sparse in offering solutions. And while remedial suggestions are known from the parliamentary statutes and petitions of the fifteenth century, their concerns were briefly expressed and often narrow or particular in scope. The 'State of Ireland' can therefore be regarded as the earliest known document offering a comprehensive plan for the restoration of the English colony in Ireland. It should, then, be considered the first

[79] These ancient claims to title were again recapitulated in the Act of Attainder of Shane O'Neill in 1569. Ciaran Brady, 'The Attainder of Shane O'Neill, Sir Henry Sidney and the Problems of Tudor State-Building in Ireland', in *British Interventions in Early Modern Ireland*, (eds.) Ciaran Brady and Jane Ohlmeyer (United Kingdom, 2005), pp. 28-48, pp. 28-33.

offspring of what Crooks has also termed a 'literature of remedy', a genre showing 'a clear line of development leading to the much-studied[80] reform treatises that appear under the early Tudors.'[81]

The text of the 1515 'State of Ireland' confirms the urgency of the situation, invoking the Pandar.[82] His *Salus Populi* is drawn upon to relate an apocryphal tale of St Brigitta, lending gravity to the suffering of the commons, for

> ther is no Iande in this worlde of so long contynuall warre within hymselff, ne of so greate shedeing of chrystyn blodde, ne of so greate rubbeing, spoyleing, praying, and burneing, ne of so greate wrongfull extortion contynually, as Ireland.[83]

In the same section, a proverb is also relayed which, although highlighting the unending nature of discord in Ireland, also succinctly identifies the need for remedy.[84] Similarly, a cryptic prophecy is advanced that foretells, somewhat unhelpfully, that either the situation will continue to get worse, or that it may yet get better.[85] What is more meaningful about the prophecy, however, is that its outcome is to take place in the year 1517, underscoring the compiler's intention to incite the crown and its Irish administration to action by prescribing a novel remedy 'that never was founde before.'[86]

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[80] I would argue that this applies more to the treatises of the later years of the Tudor period.

[81] It is not clear what Crooks' criteria is for differentiating the literature of complaint and the literature of remedy (which he appears to distinguish from the 'reform treatises' of the sixteenth century). It seems to me that the literature of remedy *begins* more comprehensively with the 'State of Ireland', or that at the very least that Crooks' 'literature of remedy' and the early Tudor reform tracts can be seen as one and the same. In any case, the 'State of Ireland' and contemporary and subsequent treatises are more sophisticated in terms of a more diverse authorship, audience, and content, purposing to address more than one or two issues, and providing more remedy than complaint. Crooks, 'Structure of Politics', *CHI, 600-1550*, vol. 1, pp. 443.

[82] *Cf*. Text B, where he is introduced at the outset of the treatise.

[83] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 11.

[84] Appearing to come directly from the *Salus Populi*, it here reads: '"The pryde of Fraunce, the treason of Inglande, and the warre of Ireland, shalle never have ende."' *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 11.

[85] It reads: 'the Pandar sayeth, that the profycye of Ireland is, that in the yere of our Lorde Jhesu Cryst 1517, such folke, as was moste feble, shalbe most strong, and such folke, as was moste strong, shalbe more strong, and fewe better then they was, throughe all the lande of Ireland, as hereafter playne shall appere.' *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 10.

[86] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 11.

It is perhaps telling that the compiler opens the remedial half of the treatise by invoking the Pandar once again, recapitulating the Renaissance idea that the wealth and prosperity of every land lay in its 'comen welthe' and not the 'private welthe'.[87] In this declaration of the Pandar lay the remedy to Ireland's ills. But until now, the 'herbes,' he said, 'dyd never growe,' a reference perhaps to the increasing appeal of more recent fifteenth and sixteenth-century conceptualisations of the commonweal that lay emphasis on the importance of the common good by actively describing the ills of private gain. It was this sort of contemporary conceptualisation that was very shortly to crystalise so poignantantly in Thomas More's *Utopia*.[88]

In the canon of reform treatises relating to Ireland discussed in this thesis, the 1515 'State of Ireland' stands alone in its expression of a sophisticated conception of the commonweal; none until the late sixteenth century can be regarded as in any sense comparable to the extent and degree to which the compiler grappled with the problem of rehabilitating and reforming the community of the land as it manifested in the lordship. Whereas members of that community were ideally meant to be mutually supportive, they had in Ireland become adversarial, duplicitous, and exploitative, and in the case of its most disadvantaged member – the commons – entirely oppressed.

In the wake of More's *Utopia*, and into the 1520s, the scholastic notion of that *vera nobilitas*, or 'true nobility', so necessary to the commonweal, lay – as John Tiptoft, the deputy responsible for attainting and executing the Earl of Desmond in 1467 claimed – in '"blood and riches",' was definitively superseded by the humanist idea that *virtus vera nobilitas est*, that is 'that the possession of virtue constitutes the only possible grounds for regarding someone as a person of true nobility.'[89] It was a conception that abjured nobility of blood and ownership of land and

[87] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 15.
[88] This is the same methodology Skinner identified in More's *Utopia*. He says that 'Hythloday's description of Utopia in Book II should be read as an account of the social benefits that flow from espousing the true instead of the counterfeit view of nobility.' This methodology of rejection, or highlighting the negative aspects of nobility, or, in the case of the 'State of Ireland' – private gain – is derived, he explains, from 'the one we have already encountered in Cicero and his humanist disciples.' Skinner, 'Sir Thomas More's *Utopia* and The Language of Renaissance Humanism', *The Languages of Political Theory in Early-Modern Europe*, pp. 141-4.
[89] Skinner, 'Sir Thomas More's *Utopia* and The Language of Renaissance Humanism', *The Languages of Political Theory in Early-Modern Europe*, p. 138.

private wealth as prerequisite characteristics of any who should hold civic office. For More's *Utopia*, Skinner explains, there were prevalent 'mistaken beliefs' about 'qualities that truly deserve to be regarded as noble and praiseworthy.'[90] For the Pandar, and the compiler of the 1515 'State of Ireland', administrators had adhered to these 'mistaken beliefs' for far too long.

The 'State of Ireland', like all reform treatises relating to Tudor Ireland, was, however, balanced by some measure of practicality. The rest of the compiler's plan, therefore, would come down to common-sense administrative re-organisation: justices, wardens of the peace, and constables would be appointed with expanded powers in an effort revive shire and parish governments. For him, effective local government, law, and enforcement was also one of the keys to reform.

The Commonweal and Reform

Practicality aside, the idea of the commonweal was nevertheless central to the 'State of Ireland'. It was, historian David Starkey says, in 1447 that the term commonweal came into regular use as a means of conveying a sense of the 'general welfare'. Subsequently, during the Wars of the Roses, it became politicised after the Duke of York and his supporters came into open opposition against the crown as a means of gaining the support of the gentry, merchants, and commons; it became a new political terminology supporting the need for the reform of Henry VI's dilatory administration.[91]

The term's use in the conflict between the Yorkists and Lancastrians accelerated after 1459 and might easily be consigned to what Bradshaw has referred to as 'cart-horse' fifteenth-century speech or political propaganda. But in a Yorkist manifesto of 1459 the commonweal is twice invoked, and it is difficult to ignore the significance attributed to it. The manifesto's authors open by declaring that 'Oure trewe entent [is] to the prosperyte and augmentiacione of youre hyghe

[90] Skinner, 'Sir Thomas More's *Utopia* and The Language of Renaissance Humanism', *The Languages of Political Theory in Early-Modern Europe*, p, 142.
[91] David Starkey, 'Which Age of Reform?', in *Revolution Reassessed: Revisions in the History of Tudor Government and Administration*, (eds.) Christopher Coleman and David Starkey (Oxford, 1986), pp. 13-28, pp. 16-19. David Rollinson suggests that its use was also 'an accumulative effect of the fact that every rebellion from 1381 onwards that could remotely be called "popular" (and, indeed, every other rebellion) had risen in the name of the common weal.' Replacing the term 'common profit' in the fifteenth century, '[t]he word is a clue to a very real social movement.' Here it is argued that it was a movement which extended, around the same time, to Ireland. Rollison, *Commonwealth of the People*, p. 247.

estate, and to the commone wele of this reaume.' They recognise the 'dewte that…we bere to youre seyde estate,' but so too point out the king's duty 'to take, repute, and accepte youre trew and lowly suggettys,' describing how 'oure lordshyppes and tenauntes bene of hyghe vyolence robbed and spoyled, ayenst youre pesse and lawes and alle ryghtewysenesse.'[92] In the first instance, the difference between king and commons is acknowledged. But more importantly, in the second, the mutuality of that relationship is affirmed. In the midst of a politically charged era, it is perhaps premature to attribute to the manifesto a high-minded regard for political theory. But there is some evidence here that as early as 1459 the ideological formulations of political thinkers like John Fortescue were seeping into the discourse of the disgruntled elite and their supporters amongst the commons.

In the fifteenth century, Fortescue dilated on the types of government, including *dominium regale* (absolute monarchy) and *dominium politicum*. He also offered a significant re-statement of the thirteenth-century notion, recalling the limitations on kingship set out in Magna Carta, that England's political system was tied to a distinction between the kingdom and its king, entailing a style of government that he designated a *dominium politicum et regale*, or constitutional monarchy.[93] Such a distinction necessarily leads to questions of obligation, responsibility, and the need to define the terms of reciprocal relationships between members of the community of the realm, whether crown, noble, clergy, or common. The significance of the constitutionality of Fortescue's distinction is clearly made in his argument that a poor commons serves only to

[92] Starkey, 'Which Age of Reform?', *Revolution Reassessed: Revisions in the History of Tudor Government and Administration*, p. 21; John Silvester Davies, *An English Chronicle of the Reigns of Richard II, Henry IV, Henry V, and Henry VI Written Before the Year 1471* (London, 1856),pp. 81-3. Interestingly, the manifesto mentions William Lynwood, the doctor of divinity who has been linked to the composition of *The Libelle*. Sebastian Sobecki, 'Bureaucratic Verse: William Lyndwood, the Privy Seal, and the Form of The Libelle of Englyshe Polycye', *New Medieval Literatures*, 12 (2010), pp. 251-88, p. 252. For the Yorkists 'need to appeal to the commons', see: Andrew Broertjes, 'The Lancastrian Retreat from Populist Discourse? Propaganda Conflicts in the Wars of the Roses', *Limina*, 20, 3 (2015), pp. 1-21, p. 6ff.

[93] Fortescue, *Governance of England*, p. 83. On the limitations set out in Magna Carta, see: Lyon, *Constitutional and Legal History*, pp. 322-3. David Rollison traces 'the "commonwealth" idea' to Magna Carta, which 'made it the duty of the senior nobles to discipline kings who ruled in their own interests and not those of the *communem utilitatem regni*.' Rollison, *Commonwealth of the People*, p. 248.

impoverish the crown: 'the makyng pouere of the commons, wich is the makyng pouere off owre archers, shalbe the distruccion of the grettest myght of owre reaume.'[94]

Echoes of Fortescue are easily found in the 'State of Ireland'. In the latter, the compiler is at pains to point out the duty owed by the king to the commons of Ireland. Where Fortescue declares that '[t]he grettest surete trewly, and also the most honour that mey come to the kynge is, that is reaume be riche in every estate,' the compiler of the 'State of Ireland' more succinctly draws upon 'a comyn tome of olde date' that: '"as the comen folke fareith, so fareith the King",' elaborating, in short, that, 'that is to saye, riche comen, a riche King.'[95] Fortescue's emphasis on the importance of archery, to the extent that the crown's negligence of the training of the commons will lead to disaster, is repeated time and again in the 'State of Ireland', where 'in defalte of archery and bowmen the Kinges subgettes was never so feble.' Indeed, without the skill of archery 'the Kinges subgettes shall never prevayle ageynst the wylde Iryshe or Englyshe rebelles.'[96]

Fortescue's fascination with the evolving relationship of members of the polity was reflected in other literary forms, notably poetry. The use of poetic meter was a popular medium of engaging with the king and council on issues of contemporary political and economic import. In the opinion of the literary historian, Rossell Hope Robbins, such political, economic, and other forms of verse 'were the literature of the middle classes, the stratum of society that already in the fifteenth century was becoming decisive in the political and economic control of England.'[97]

In the fifteenth-century poem, 'On England's Commercial Policy', for example, the anonymous author warns of selling wool for 'nought', advising the regulation of its production to improve the lot of the commons, who were unable to work to their full potential because of prevailing economic and trade circumstances. The author describes how the commons have little motive to work to their potential, as the 'merchaundes and cloth-makers, for Godys sake take kepe,/The

[94] Fortescue, *Governance of England*, pp. 137-8.
[95] Fortescue, *Governance of England*, p. 140; *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 10.
[96] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, pp. 19-20 and 24. Acts for equipping the commons of Ireland with bows, as was tradition in England, were made in 1465, 1472, and 1495. Butler (ed.), *The Statutes at Large Passed in the Parliaments Held in Ireland (1310-1786)*, Cap. 4, p. 29; Cap. 2, p. 36; Cap. 9, p. 48.
[97] Rossell Hope Robbins, *Historical Poems of the XIV and XV Centuries* (New York, 1959), p. xlvi.

whyche makythe the poreylle to morne and wepe;/Lytyll thei take for theyre labur.'[98] He draws an important link between high-policy and its effect on the commons, one that is echoed in the recommendations made by the Pandar and the author of the 1515 'State of Ireland'.[99]

Another contemporary treatise in verse, the *Libelle of Englyshe Polycye*, is suggestive of a significant link between political discourse originating in England and policy discussion relating to Ireland. The anonymous author focussed on the need to fortify English sea power in the Channel to protect trade and exhorted the crown to pay better heed to Ireland else the lordship would be lost, exposing England to the intrigues of foreign powers. Interest in the author's identity have been stoked by speculation relating to his declaration of his intention to compose a separate treatise on Ireland in particular: 'For myche thynge in my harte is ihyde,/Whyche in another tretyse I caste to wrytte,/Made all onelye for that soyle and site/Of fertile Yerelonde.'[100] It is not yet possible to draw a direct association between the author of the *Libelle* and the Pandar of the *Salus Populi*, but given the fragmentary nature of evidence it is worth bringing attention to the possibility that author of the *Libelle* may in fact have made good on his promise.[101]

It is clear that the 'State of Ireland' embraced a dynamic and firmly mutualistic conception of the commonweal. God was important but preaching more so. Obedience to the crown and its representatives was significant, but the obligations of the crown to the commons was too. The nobility were vital pillars of the social framework, but they rested on a broader sub-structure of husbandmen, yeomen, merchants, burgesses, and gentry. The sort of commonweal addressed in the 'State of Ireland' had to do both with the *bonum commune* of fifteenth-century understanding, referring to 'the common good, the "common profit", the wellbeing of the realm

[98] *Political Poems and Songs Relating to English History* (London, 1861), vol. 2, p. 285.
[99] Historian Mark Ormrod has pointed out the 'growing appreciation of the dynamic contribution that general ideas of the common good made to public life in the later Middle Ages. Economic historians,' he continues, 'have shown how the local regulation of manufacturing and exchange consistently denounced private profit whenever it stood to damage the common good.' Ormrod, '"Common Profit"', p. 226.
[100] *The Libelle of Englyshe Polycye: a poem on the use of sea-power, 1436* (Oxford, 1926), p. 36. For the most recent and comprehensive discussion about the link between the *Libelle* and the *Salus Populi* of the Pandar, see: Bennett, '*The Libelle of English Policy*: The Matter of Ireland', *The Fifteenth Century XV: Writing, Records and Rhetoric*, 15, pp. 17-21.
[101] This is contrary to Warner's assumption that Moleyn's failure to win the archbishopric of Armagh 'explain[s] why his declared intention of writing a special treatise on Ireland was apparently never fulfilled.' *The Libelle*, p. xliii.

and its inhabitants.' But it also entertained a more active meaning. It bore with it a sense of the definition of the commonweal of the 1530s as 'a tangible thing: the commonwealth, the political community itself, and the political order through which the welfare of that community is delivered.'[102] The compiler of the 'State of Ireland' was not concerned with a vague conception of 'the common good' that was contingent on the mercy of God and sincerity of Christian prayer. Rather, he sought to actively and energetically reform and rehabilitate a broken political community or commonweal. With sections of it composed across the medieval/early-modern divide, the 'State of Ireland' thus becomes a text significant not only for its unique approach to practical problems in the Irish polity, but so too in the context of historiographical discussions revolving around the influence of concepts of the commonweal on the study of reform.

The Commons

The better part of the compiler's solutions, in terms of both its economy and overall effectiveness, was to be found in the 'commons' of Ireland. He describes the impoverishment of the commons of Ireland by way of comparison to the commons of England and links the prosperity of those in either region with that of the king. The compiler dilates on the consequences of the breakdown of the relationship between the king and commons. He points first to the inability of the crown and nobility to provide adequate defence for their subjects, forcing them to live in the Irish manner and accept the necessity of extortion. Such extortions, he opines, will only cease if the commons are provided the full means of defending themselves. Accordingly, they were to be given access to arms, armour, and other accoutrements of war; taught to shoot; attend regular musters; and every town was to be fortified with ditches and hedges.[103] No large-scale intervention would be required by the crown; it would only have to furnish the commons with the means of defence and provide incentives to march landholders to fortify their borders. In time, given the commons' self-sufficiency, costs to the crown would dwindle to comparatively little.

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[102] John Watts, '"Common weal" and "Commonwealth": England's Monarchical Republic in the Making, c. 1450-c. 1530', in *The Languages of Political Society: Western Europe, 14th-17th Centuries*, (eds.) Andrea Gamberini, Jean-Philippe Genet, and Andrea Zorzi (Rome, 2011), pp. 147-63, p. 149.
[103] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, pp. 18-20.

Indeed, the prosperity and self-sufficiency of the commons would not only address issues of extortion, but also those relating to English claims and legitimacy. In order to ensure initial success it was recommended that the king come to Ireland with a small force of 2,000 men; in the longer term, a permanent garrison of 1,000 men was proposed for the first three years.[104] Such a limited contingent was regarded as the barest required to successfully defend the Pale and outlying areas from a combined native Irish threat. For the compiler of the 'State of Ireland', however, the fact was that outright conquest by an English army was doomed to failure, for even if the king 'dyd bryng with hym an armye of 20000…he shulde do lytyll profyt to hymself,' and 'assone as he, with his armye, doo repayre into Ingland, he shalle have no lenger obeysaunce of the rebelles of Ireland.' Restoring order and good government to Ireland had less to do with coercion than with recognising the potential of the commons, English and Irish. It would be through the mobilisation of their collective ability to defend the old colony's territory – as opposed to direct, violent conquest – that traditional English claims to the entire island would advance, culminating in a general rather than particular reformation.

The commons would act as a bulwark against native incursion as well as a potent substitute for the armed retinues that for centuries had been under the direct control of the noble magnates and had been nominally responsible for the defence of the lordship, but had in reality been responsible for rampant extortion. The commons themselves were to represent the bulk of a new king's 'army' in and of Ireland. Indeed, if the king were to come, he would find 'reddy before hym an armye of an 100000…of his owne subgettes, reddy at his commaundyment.'[105] By empowering the commons a two-fold solution could be attained: the king would be provided with a virtual standing army, while for their part, the commons would be relieved of the oppressive levies of Anglo-Irish magnates and the tributes of native Irish chieftains.

[104] Imputing a certain degree of martial impotence, the compiler advises the king to 'sende a captayne of an armye of 500 souldyors on horsback, to helpe the Deputye.' This was to constitute one half of an interim army of 1,000, the other half was to be composed of: 200 archers, 100 mounted gunners, 100 spearmen, and a further 100 horsemen; each of these were to be sourced from within Ireland and to 'be on the Kinges coste and charge dureing the space of 3 yere, or tyll the Kinges sayde subgettes to be put in ordre.' *'State of Ireland', SP*, vol. 3, 2, Cap. 1, pp. 18-9.

[105] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, pp. 27-8.

The commons of Ireland were the key component of the compiler's reform agenda. But this did not exclude the commons of England herself. Recalling the successes of the twelfth-century conquest, the compiler hoped that 'Englyshe men, of England, wylbe as desyrous to come and dwelle in to this lande,' perhaps even to the number of 'one man oute of every paryshe of England, Cornwale, and Wales.' After a period of militarily enforced stability, settlers were to be brought in and settled on re-conquered lands in Ulster.[106]

Ulster was the ideal choice for plantation as the O'Neills had long presented problems for the crown. Crown government there had most recently been complicated owing to the marriage of the Eighth Earl of Kildare's daughter, Alice, to the O'Neil chief, Con More, giving Kildare 'a fair excuse for interfering in the affairs of Ulster.'[107] Indeed, Con was murdered in a leadership dispute by his brother in 1493, but the sons of Alice and Con were successful in revenging their father's death. In 1497 along with Con's brother, Donnell, they invited 'Kildare to come himself into Ulster,' soon after which Donnell was declared chief of Tyrone. It was not long, however, before Donnell and Kildare's nephews were themselves at odds, drawing the Kildare deputy once more into the Ulster fray.[108] The O'Neills and their adherents were therefore to be uprooted and banished to the forests of The Fews in south Armagh, as well as Killultagh to the west of Strangford Lough.[109]

The importance of inhabiting Ireland with English did not blind the compiler to the fact that the support of the native Irish was integral to his remedy. 'Conquering' the Irish did not necessarily mean occupying territory. It could also entail a 'light conquest' whereby 'Iryshe mennes landes…[are] constrayned to kepe and observe suche ordre and statutes, and to paye suche rent, servyce, and trybute, as the Kinges auctorytie…shall determyne.'[110] In time, the Irish commons

[106] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 25. The same suggestion had been put forth as early as 1398. Lydon, 'Problem of the Frontier', p. 15. In the following century, the seneschal Janico Savage petitioned the English crown, requesting the latter 'send unto theym a certain of peaple to inhabite and to defende your said grounde.' George Francis Savage-Armstrong, *A Genealogical History of the Savage Family in Ulster: Being a Revision and Enlargement of Certain Chapters of "The Savages of the Ards"* (London, 1906), p. 72.
[107] Bagwell, *Ireland Under the Tudors*, vol. 1, p. 118.
[108] Bagwell, *Ireland Under the Tudors*, vol. 1, pp. 118-20; *AFM*, pp. 336, 346-7, 350.
[109] In an earlier passage, the compiler had noted that Henry II had inhabited Ireland with English, and 'soo the lande dyd contynue and prospeyre an 100 yere and more.' *'State of Ireland', SP*, vol. 3, 2, Cap. 1, pp. 25, 27.
[110] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 24.

from Ulster to Wexford would become 'acqueynteyd with tylleing of the lande,' doubtless improving their lot, but more importantly enriching the coffers of the king.

Force of arms, planting Englishmen, and transplanting hostile native Irish were methods that had their place, but any society – English or Irish – properly ordered and governed, could be expected to nourish a desire to contribute to the broader commonweal. Conquest, then, was a word that could also refer to a more moderated campaign of imposing order, for if the English lords and the commons 'be ones put in ordre, as aforesayde, what man can saye but all the land is conquest?'[111]

It would seem to be in this spirit that the compiler offered further recommendations that those Irish chiefs who showed themselves amenable to English rule be permitted to attend parliament as lords, while smaller chiefs be recognised as knights. The inclusion of the proposal was not an entirely innovative one. It was likely modelled on the submission of several chiefs to Richard II in 1395.[112] But it was also testament to a conciliatory disposition that in the early sixteenth century was gaining traction in the highest circles, most notably in the person of the king himself.[113]

Re-invigorating Local Authority

One part of the solution was a proposal that advocated the restoration of local administrative power structures. Authority needed to be represented by a careful balance between martial force and administrative will exercised in the localities. In the wake of demographic and economic erosion in the late fourteenth century, the localities had come to be only loosely supervised by the deputy and council in Dublin; defence and the administration of local justice was left to the magnates of those regions whose support 'was deliberately bought by their appointment to local

[111] It is nevertheless important to point out that neither the compiler nor the Pander had illusions about the difficulties of negotiating a lasting peace: the king would 'never subdue the wylde Iryshe…without dreadde of the swerde.' 'State of Ireland', *SP*, vol. 3, 2, Cap. 1, pp. 25-6, 28.
[112] For the submissions, see: Edmund Curtis, *Richard II in Ireland, 1394-5, and Submissions of the Irish Chiefs* (Oxford, 1927), pp. 149-225.
[113] It was an approach whose expression reached its zenith in the early 1540s with Henry VIII's and St Leger's programme of 'surrender and regrant'. However, from the early 1530s an opposing programme advocating a more coercive approach was taking shape in the minds of several English and Anglo-Irish civil servants who saw no part for the native Irish chiefs and no central role for the commons in the increasingly restrictive English polity of Ireland. Butler, 'The Policy of Surrender and Regrant, Part 1', p. 60; Heffernan, 'Reduction of Leinster', *passim*.

government offices and the consolidation of local privileges.'[114] For the compiler, revitalisation of the administrative model would come to depend on the appointment of royal officials who operated locally, but whose loyalty to the crown was more dependable than local magnates.

Hitherto, 'self-government at the king's command', as historian Alfred Beebe White has termed it, 'was indeed the hallmark of the English tradition' in both the peripheries of the lordship as in England proper. The balance of power, between Dublin's 'anomalous position as both an instrument of provincial administration and as a separate central government akin to Westminster' and outright magnate rule, had, for the compiler, shifted to the latter: the Kildare earls had for the last half-century shown themselves adept and – as far as the crown was concerned – useful governors. Until recently, parliaments had contributed something of a counterweight to magnate hegemony, but, as we have seen, they were being held far less frequently.[115] The tradition of local governance was important in the Irish context, but for the compiler of the 'State of Ireland' it had become outweighed by the need for good government and effective defence against native Irish raids, extortion of overmighty magnates, and the rapacity the Church. That could only be effected by establishing a new norm of 'good governance'. And for the compiler that was contingent on reforming or rebalancing the nature of the Anglo-Irish polity by mobilising the commons and re-edifying the structure of local administration.[116]

Reformation was to begin in Meath with the appointment of certain Pale lords as justices of the peace.[117] Two wardens of the peace were to be assigned by the deputy and council, and two

[114] Ellis, *Reform and Revival*, pp. 181-2.
[115] See Chapter 1 section, 'Poynings' Parliament'.
[116] Ellis, *Tudor Ireland: Crown, Community and the Conflict of Cultures, 1470-1603*, p. 27; Frame, 'Commissions of the Peace in Ireland, 1302-1461', *Analecta Hibernica*, 35 (1992), pp. 1, 3—43, p. 5. Ellis describes the source of 'confusion' surrounding persisting questions of jurisdiction as one arising from assertions of the royal prerogative – and the Irish parliament: 'the king for his part wished to maintain direct channels of communication with his subjects in Ireland'. Ellis, *Tudor Ireland: Crown, Community and the Conflict of Cultures, 1470-1603*, pp. 62-3. See also: White, *Self-government at the King's Command: A Study in the Beginnings of English Democracy* (Minnesota, 1933), *passim*.
[117] These consisted of: Lord Gormanstown, the Baron of Slane, the Baron of Delvin, and Lord Trimleston. If the relevant section of the 'State of Ireland' was composed *c*. 1515, their proper names would have been as follows, respectively: William Preston, Christopher Fleming, Richard Nugent, and John Barnewall. *'State of Ireland', SP*, vol. 3, 2, Cap. 1, p. 19.

constables were to be chosen by the inhabitants of every parish. Priority was to be given to the barony of Kells and other areas bordering the troublesome O'Reillys.[118] The wardens were to oversee regular musters and ensure that the assembled soldiery were properly equipped and trained. Towns and villages were to be fortified by ditch and hedge, and merchants were to see to it that the tools of war were efficiently delivered into the lordship for sale to the commons.

The recommendations surrounding the revivification of local authority are among the least innovative in the 'State of Ireland'. The powers of the wardens described by the compiler are very similar to those enumerated in much earlier statutes, notably the 1366 Statutes of Kilkenny, as well as those issued in a parliament of 1351, which shared 19 of 25 clauses with its more famous successor at Kilkenny fifteen years later. The statute of 1351 describes how four wardens were to be appointed in every county, with powers to assess the martial contributions to be made of inhabitants according to the worth of their land, goods, and chattels, and to call musters each month at various locales throughout the county.[119] More recently, a set of ordinances for the barony of Slane in Meath in 1499 described the familiar obligations of the lords, knights, squires, and gentlemen to attend the sheriff and wardens of the peace during times of upheaval in the absence of the deputy, as well as to attend musters every twenty-one days.[120] Interestingly, the compiler's suggestion of two rather than four wardens of the peace, and that musters be held once every quarter instead of every twenty-one days, suggests something of a comparatively lax approach. It may, however, have been an attempt to render a more realistic and workable schedule for officials to follow.[121]

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[118] Interestingly, this region on the edge of the Pale bordering Lough Sheelin is also among the ancestral lands of the de Lacys. One Nicholas Lassy has been put forward as a person of interest as the possible author of the *Libelle of Englyshe Polycy* and, less certainly, the *Salus Populi*. Bennett, '*The Libelle of English Policy*: The Matter of Ireland', *The Fifteenth Century XV: Writing, Records and Rhetoric*, 15, p. 20.

[119] Berry (ed.), *Statutes and Ordinances, and Acts of the Parliament of Ireland (King John to Henry V)*, pp. 383-5, and n1, p. 374.

[120] Ellis, *Reform and Revival*, p. 188.

[121] Quinn observes that in 1520, the Earl of Surrey, then lieutenant, could 'not count on the willingness of the Pale gentry to turn out for military displays more than once or at most twice a year. He was, therefore, driven during the winter of 1520-21 into a state of inaction.' The compiler's suggestion would here seem, then, to represent a reasonable compromise. Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 665.

In a later section, however, the text expands specifically on the powers of the justices of the peace, who are here identified as 'the Bysshop, and the chyef landlord of every Iryshe countrey subgett to the King.' These were to monitor infractions committed by local landholders who had in the past oppressed tenants with unlawful exactions derived from Irish customs, such as coyne and livery and cuddies.[122] These justices were, moreover, to have powers to inquire on behalf of the king, to punish rioting and felonies, and other crimes; and their authority was to extend to English and Irish alike. All matters, therefore, could be heard and determined at each justice's 'discretion', within each justice's county, and with what appears to be some degree of independence of central authority. The text makes it clear that the preference was for the variable powers of the king's commissioners – often employed to deal with various matters in the localities – to be assumed by justices of the peace with considerably expanded powers and a greater degree of autonomy.[123]

That is not to say that the authority of the crown was to be sidelined; it had an integral role to play. But royal authority in Ireland had been and would remain dependent on local power structures. In the previous century, magnates, their retainers, and their often cross-cultural familial connections were needed to enforce the law and crown authority. Now, however, the compiler proposed to shift that power back to locally based crown officials, whose authority was to be supported by the 'sword' of the commons. His was a reform programme clearly aimed at diminishing the administrative influence of the nobility in Ireland. It would also have the effect of reducing the reliance of magnates on their ties – familial and otherwise – with the native Irish, concentrating authority in the hands of a more recognisably *English* gentry elite.

[122] 'Cuddies' were a form of exaction 'which provided for the entertainment of the earl and his entourage on his frequent excursions through his territory.' Canny, *Elizabethan Conquest*, p. 21; Nicholls, *Gaelicised Ireland*, p. 34.
[123] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, pp. 29-30. As far back as 1366, the Statutes of Kilkenny lamented the great distance of some counties from court, so much so that 'the serjeants of the said counties cannot conveniently come to the Exchequer, to be present on the accounts of the sheriffs and seneschals of the said counties.' For similar reasons, the king ought to assign Justice of the Peace as directed instead of sending 'his commyssioners dayly to every of the sayd countreys, on his owne cost.' The king must therefore opt to invest greater power in the local authorities or else 'the mater wylbe muche oute of ordre within a short tyme.' James Hardiman (ed.), 'Statutes of Kilkenny', p. 107.

Conclusion

The 'State of Ireland', owing much of its original content to an author known only as the Pandar, was compiled in the context of 1515. Its ideas, however, straddle the historiographic medieval/early-modern divide, drawing on conceptions of the commonweal that evolved in the middle and later decades of the fifteenth century, as well as re-iterating notions of tyranny that were extant for much of the middle-ages but came to be increasingly vocalised in the early sixteenth century by humanists like Thomas More.

The problem of Ireland for the compiler of the 'State of Ireland' was that the Anglo-Irish nobility, particularly the great magnates, had, by adopting Gaelic practices of extortion, become no better than their Irish counterparts who 'ruled by the sword' and were, in short, tyrants. For Thomas More, in his *Utopia*, tyranny was 'among the evils which his imaginary commonwealth [was] designed to annihilate.'[124] The same can be said for the compiler of the 'State of Ireland'. Put together just three years earlier, his treatise offered a programme of reform that was formulated as a means to end the extortion of the commons by the great magnates of the lordship. Their oppressive retinues were to be replaced by the commons themselves who, properly armed and organised with the aid of the crown, would be ready to act at the local level, protecting their own holdings, but ready also to answer the call to arms when the colony as a whole was threatened. Their empowerment was the key to rehabilitating the relationship between the members of the lordship's polity, reinforcing the mutuality of that relationship and reminding the king that his prosperity depended as much on the weal of the commons as theirs depended on his.

But the empowerment of the commons also presented an opportunity to grapple with the practical issue of whether the crown ought to pursue a particular or general reformation of the lordship. For the compiler of the 'State of Ireland', the answer to that question also addressed the broader, longer-running issue of the nature of English claims to title in Ireland. For him, there could be no other option than to seek a general reformation, or renewed conquest of the entire island. To follow the more conservative, short-term course of a particular reformation would

[124] Fenlon, 'Thomas More and Tyranny', p. 453-4.

obviate the integrity of centuries-old claims to title. The validity of those claims were not in question, but they needed to be re-framed and asserted in a new way that eschewed claims that relied primarily on right of conquest.[125] The idea of the commonweal espoused in the 'State of Ireland', and plans to mobilise the commons on a large scale, offered the crown a practical means of asserting sovereignty in a region where traditional methods of relying on local magnates and their retinues to project royal authority had been hard to finance and were often difficult to control. But it also offered the potential of negotiating a settlement with the native Irish lords and commons, a potential that seemed on occasion to appeal to Henry VIII, and that would be tapped in the decades to come.

The 'State of Ireland' is uncommon amongst the treatises of the early sixteenth century for its vigorous reminders about the mutual obligations owed by the various members of the community of the realm – the crown, nobility, church, and commons. The corruption of the ideal form of this relationship was seen to be the primary reason for the decay of the Anglo-Irish polity. The treatise offers a unique remedy for that decay which relied on a synthesis of fifteenth and sixteenth-century ideas relating to tyranny and the commonweal.

The humanist tenor of the Pandar – evidently endorsed and expanded upon by the 1515 compiler of the 'State of Ireland' – was consistent with similarly humanistic, prevailing conceptions of the commonweal in England. The current state of the evidence makes it difficult to determine the affect of the 'State of Ireland' on Henry VIII and his plans for a reformed administration in the lordship. It does appear, however, that in the years following the composition of treatises by William Darcy, Patrick Finglas, and the compiler of the 'State of Ireland', as well as the meeting at Greenwich, that reform was very much on the minds of both Henry VIII and his chief minister, Cardinal Wolsey. A wide variety of approaches towards the native Irish were considered by the 1515 reform writers, but the 'State of Ireland' with its somewhat optimistic – though nevertheless cautious – view that some native Irish might be amenable to inclusion in a reformed

[125] Recalling Henry IV's need to 'reiterate the crown's normative commitment to common profit as a mark of the return to the proper tradition of benign monarchy and, thus, as a necessary basis for his own claim to legitimacy.' Ormrod, '"Common Profit"', p. 245.

Anglo-Irish polity, would find parallel in Henry's approach to the lordship in the following decades.

The 'State of Ireland' also brought to the fore the two broad strategies for reformation that would become increasingly commonplace in the reform discourse of the period: 'general' and 'particular' reformations. The Pandar and the compiler favoured the former, notably one underpinned by an empowerment of the commons – on both sides of the ethnic divide – as a vital remedy for the centuries-long decay of crown authority in Ireland. The humanist notion that the strength of the crown could be bolstered by a reformed relationship with the constituent members of its polity there – the commons in particular – may also have appealed to the humanist sensibilities instilled in the king by an early education by, and later interaction with, humanist writers like Skelton, Colet, Erasmus, and More. But any new approach to governance in the lordship would need to be worked-out on the ground, as it were, requiring some degree of cooperation with the native Irish. The man eventually chosen to lead the king's reform campaign in Ireland was the experienced soldier and nobleman, Thomas Howard, Earl of Surrey.

Chapter 4 – The Earl of Surrey and the King's Humanist Experiment, *c*. 1515-1522

Introduction

There is very little evidence of the communications between the Dublin government and the English council between 1515 and 1520. This is unfortunate for obvious reasons, but more particularly because at the end of that period, in the spring of 1520, the ninth Earl of Kildare was abruptly replaced as governor by Thomas Howard, Earl of Surrey. In the absence of evidence, the crown's motivation for the dramatic *volte-face* is difficult to determine, but there are grounds for careful speculation based on contemporary events in Ireland and England.

During the period following the recall of Kildare in 1519[1] four tracts were directed to the crown from the lordship: the 'Device how Ireland maybe well kept in obedience', 'Ordinances and provisions for Ireland', 'Revenues of Ireland', and 'Remembrances for Ireland'. The treatises raised issues of the lordship and provided advice as to remedy in anticipation of a change in governance. Taken together with the correspondence between Henry VIII and his newly appointed lieutenant in Ireland, the Earl of Surrey, between 1520 and 1522, they illuminate the circumstances and attitude prevailing in Ireland, illustrate the evolution of the crown's reform policies in the wake of the 1515 treatises, and offer a compelling contrast between Henry's conciliatory approach to reform and Surrey's more militaristic position which foreshadowed the

[1] *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII (1519-21)* (London, 1864), vol. 3-1, Cap. 17, p. 5. Fitzsimons observes that he was recalled on the basis of charges of conspiracy, and points out that '[t]he very fact that Kildare was first removed from Ireland ahead of the expedition [of Surrey] is a clear indication that Henry VIII and Wolsey already understood that Kildare's Geraldine affinity was the greatest obstacle to political reform in Ireland.' Fitzsimons, 'Wolsey, the Native Affinities', *Regions and Rulers in Ireland, 1100-1650*, pp. 95-6. Her accounting for the reasons of Kildare's recall stem from Robert Cowley's testimony to the crown in 1538, where he indicated that the earl had attempted to deprive the king of his 'hereditaments' and sought the 'binding [of] Irishmen to his own "sect" to serve him and his heirs.' *CCM (1515-74)*, vol. 1, Cap. 125, p. 143. Quinn, too, notes that his recall was likely owing to reasons of association with the sedition of Desmond, who was engaged in continental intrigues. Quinn cites Campion's late-century testimony that 'Kildare was too closely linked with Desmond…and that this brought about his summons to England on 12 January 1519.' Quinn, 'Henry VIII and Ireland, 1509-34', p. 323. Also see: Edmund Campion, *A Historie of Ireland (1571)* (Dublin, 1809), pp. 159-60.

colonialist policy proposals of officials in the 1530s. Indeed, historian Laurence McCorristine has recognised the importance of the crown's experiment with an alternative governor, observing:

> In the letters passing between Surrey in Ireland and the king, the seeds of every future Tudor approach to the problem of Ireland were discussed and evaluated. Policies of expropriation, plantation, colonisation, surrender and regrant, anglicisation and extermination were all discussed and dismissed as impractical in the prevailing circumstances. But their importance in relation to Ireland generally and to the Leinster Geraldines specifically, in delineating a vastly different Ireland to that in existence, has often been ignored. The fact that these schemes were shelved tends to obscure their long-term significance and ultimate purpose, the desire and intention to abolish the autonomous lordships in Ireland.[2]

The 'Ordinances and provisions for Ireland' and 'Revenues of Ireland' have been given detailed consideration by Maginn and Ellis in their *Tudor Discovery of Ireland*.[3] The 'Device how Ireland maybe well kept in obedience' and the 'Remembrances', however, have received generally less attention and together with the correspondence between Henry VIII and Surrey will be considered at length in this chapter. Although sometimes referenced cursorily by historians like White, Ellis, Montaño, Fitzsimons, and Quinn, these tracts have not been the subject of a critical and detailed analysis.[4]

The appointment of the Earl of Surrey in 1520 as governor of the lordship suggests that the crown's confidence in Kildare was waning, with several factors contributing to the changed

[2] Laurence McCorristine, *The Revolt of Silken Thomas: A Challenge to Henry VIII* (Dublin, 1987), p. 38.
[3] Two of the four tracts will be considered in detail here, the other two – 'Ordinances and Provisions' and 'Revenues' having been given extended treatment in: Maginn and Ellis, *Tudor Discovery*, pp. 56-62 and 50-52, respectively; transcriptions are given at pp. 99-109 and 94-6, respectively.
[4] White offers a brief description of elements of the 'Device': White, 'The Tudor Plantations in Ireland Before 1571', p. 32. Ellis mentions it briefly to describe the notable discrepancy between the incomes of marcher versus Pale landholders: Ellis, *Defending English Ground*, p. 94. Montaño leverages it in service of his argument linking English interest in Ireland to the possession and cultivation of land as a means of imposing civility: Montaño, *Roots of English Colonialism*, pp. 79-80. Fitzsimons attempts to draw a more intimate connection between Wolsey and the treatise than is perhaps warranted, referencing the treatise and asserting that he 'submitted a detailed proposal for the earl's government to the king for approval.' Fitzsimons, 'Wolsey, the Native Affinities', *Regions and Rulers in Ireland, 1100-1650*, p. 96, and n77 on the same page. Quinn also emphasises the role of Wolsey in the development of plans for reform, but also notes that Henry was likely also directly participating. Quinn, 'Henry VIII and Ireland, 1509-34', p. 324.

approach. The first appears to have had to do with affairs closer to home, while the second was dependent on the changed political landscape in the lordship itself.

In London, the king's dismissal of the coterie of young gentlemen – the so-called 'minions' brought into his service as Gentlemen of the Privy Chamber – has until relatively recently been regarded as the culmination of Wolseyan intrigue. The intimate position in the king's household had been created in September 1518, only to be abruptly abolished the following May. Historian Greg Walker, however, has hypothesised that their dismissal had little to do with Wolsey. Rather, the 'purge' was the result of a concerted attempt by the king and his councillors to address what was regarded as the minions' deleterious affectation of French manners acquired on a recent mission to Paris. The young men, Hall related late in the century, had become 'so familier and homely with [the king], and plaid such light touches with hym, that they forgat themselves.'[5]

But one key point Walker advances is that in combination with the protests of his councillors to the corrupting influence of the minions, was the demonstration of a certain amount of agency by the king himself. For Henry, Walker notes, drew up a memorandum 'listing proposals for reform.' These expressed his wishes to reform the household, wardships, and the administration in Ireland, of which a part of the latter was the appointment of Thomas Howard, Earl of Surrey, as Lieutenant.[6] Far from being a dilatory king under the spell of a cunning chancellor or overbearing ministers, Henry was an integral part of the process of reform in his household, and so too in the lordship where, Walker observes, the king's 'new pragmatic approach was the subject of much debate,' for, 'Henry was still clarifying it for Surrey's benefit in detailed communiques as late as October 1521.' This, Walker concludes, was

> a further sign that this project, like the reform of the Privy chamber, was no short-lived novelty which temporarily distracted Henry's attention. Rather it was a matter in which the king invested considerable thought

[5] Greg Walker, 'The "Expulsion of the Minions" of 1519 Reconsidered', *The Historical Journal*, 32, 1, pp. 1-16, pp. 10, 13-15.
[6] Walker, 'The "Expulsion of the Minions"', pp. 8-9.

and commitment: commitment which he was to maintain, despite setbacks in the field, for nearly two years.[7]

In Ireland, affection for Kildare was dependent to a great degree on the effectiveness of the network of affinities built up by him and his progenitors in maintaining and extending stability in the lordship.[8] But there is evidence that from about 1516 his bonds with his native Irish allies were eroding.[9] The new Earl of Kildare, in particular, had also alienated many gentlemen of the Pale and broader lordship, not least of whom was Piers Butler.[10] Meanwhile, in 1515 the compiler of the 'State of Ireland' had objected to the tyrannical, extortionate practices of native Irish and Anglo-Irish chiefs and lords, including Kildare. William Darcy and Robert Cowley were dismissed from the ninth earl's baronial council, the former offering a scathing critique, while the latter reported on the earl's 'enormities' directly to the king's council in England in 1520; and Patrick Finglas echoed some of Darcy's concerns about Kildare. At the same time, Henry was completing his first decade of kingship, guided by the counsel of his chief minister and chancellor, Cardinal

[7] Walker, 'The "Expulsion of the Minions"', pp. 9, 15. Walker attributes much to an anti-French mood at court and in broader London society: 'The long tradition of war with France created an ambivalent attitude towards apparent French influence in England which, coupled with the long association of high fashion and courtly manners with vanity, deception and corruption, goes far towards explaining the peculiar status of France in English consciousness, as simultaneously an example of good taste to be copied and of vice to be shunned.' Walker, however, does not offer an explanation for the Field of Cloth of Gold, held just a year after the minions' expulsion. Scarisbrick notes, in fact, that in the interim, relations with France were relatively good: the meeting between Henry and Francis was originally planned for mid-1519, around the time of the expulsion. J.J. Scarisbrick, *Henry VIII* (New Haven and London, 1997), p. 74.

[8] Ellis, *Ireland in the Age of the Tudors*, pp. 80-1; Ellis notes the expansive system of 'reverse blackrents' imposed by Kildare on the Irish chieftains of the midlands and around the Pale. Twenty-four are recorded in Kildare's *Rental Book* of 1518 in the section entitled 'The earl of Kildare's duties upon Irishmen'. Ellis, *Tudor Ireland*, pp. 92-3. Gaelic impositions had been adopted by many Anglo-Irish and 'seem to have increased everywhere during the sixteenth century.' Nicholls, *Gaelicised Ireland*, p. 36.

[9] Entries for the early sixteenth century in the Annals of the Four Masters show an increase in large-scale military action, beginning in 1516 with a dispute between O'Donnell and O'Neill. Dissensions are also reported amongst the Desmond Geraldines, spilling over to include O'Brien of Thomond and the Ormond claimant, Piers Butler; Kildare made raids into O'Carroll country; and Edmund Butler struck a blow against his kinsman, Piers. The following year, Kildare became embroiled in the ongoing northern disputes owing to affinal connections with O'Neill, and O'Carroll revenged himself of Kildare's raid the previous year by plundering Delvin in the Pale marches. *AFM*, pp. 373-75. For details of the subsequent composition between Piers and his cousin, Edmund, see: *COD (1509-47)*, vol. 4, Cap. 40, pp. 43-51.

[10] O'Byrne outlines escalating disputes in the region of the O'Tooles, south of Dublin. These, he says, were 'set against the steadily deteriorating relationship of Kildare and Piers.' Emmett O'Byrne, 'War, Politics and the Irish of Leinster, 1156-1606' (PhD, Trinity College Dublin, 2001), pp. 266-7.

Wolsey, who was also coming into his own.[11] Together they expressed an interest in shoring up English sovereignty in the peripheral dominions of the realm. Violence, while endemic in Ireland in the late medieval period, was threatening to destabilise regions throughout the lordship after the death of the 'great' eighth Earl of Kildare, as well as other significant native leaders, with disputes between some of the most powerful Irish chiefs.[12] Meanwhile, absentee lords like Shrewsbury sought to retain tenuous holdings in Ireland;[13] and cadet branches of the Butlers fought over inheritance rights to the earldom of Ormond in the wake of the death of the seventh earl in 1515. The leading contender, Piers Butler, had formed an uneasy alliance with Kildare, which the latter soon failed to honour, leading to further disagreements between the two

[11] Wolsey reported in February of 1517 that he had just completed articles to be presented to an upcoming Irish parliament. *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII (1517-18)* (London, 1864), vol. 2-2, Cap. 2963, p. 953. The articles themselves are no longer extant, but whatever they were composed of it is evident that Wolsey and Henry were no longer content to let Kildare govern without oversight, and that efforts were being initiated by the Crown to address the broader problem of English sovereignty in its frontier regions. No parliament was actually held until 1521-2, well into Surrey's lieutenancy. These frontier regions included Calais, Wales, and the northern border with Scotland. On Calais, see the Ch. 2 section above entitled 'The 1515 Greenwich Meeting'. On Ireland, Wales, and the northern borders with Scotland, see: Gwyn, *The King's Cardinal: The Rise and Fall of Thomas Wolsey*, Ch. 7, *passim*. Gwyn emphasises the continuity of administration across the centuries of English involvement in these frontier regions but does note the concomitant necessity of balancing crown interests with those of the local magnates, upon whom the king relied to maintain law and order (p. 214). Wolsey's interest in frontier law and order culminated in the formation of councils of the marches in Wales and the north in 1525 (p. 259).

[12] David Edwards has pointed out some important alterations in the Gaelic political landscape in the period 1511-20. He describes the Gaelic regions on the edges of the Pale at this time as in a state of crisis characterised by 'three key elements: (i) the passing, in quick succession, of a generation of lords and chieftains…(ii) the inability of some of their successors to curb growing family disunity or prevent the partial break-up of their lordships; and (iii) the renewed assertiveness of once strong lineages that had been quiet for a number of years previously.' The deaths of the chiefs were as follows: Murrough Ballach Kavanagh, King of Leinster (*d*. 1511); Cathair O'Connor Faly, Lord of Offaly (*d*. 1511); Niall Mór O'Neill, Lord of Clandeboy (*d*. 1512); Garret Mór Fitzgerald, Eighth Earl of Kildare (*d*. 1513); Rossa McMahon, Lord of Oriel (*d*. 1513); Thomas Butler, Seventh Earl of Ormond (*d*. 1515); Phelim O'Connor Sligo, Lord of Carbry (*d*. 1519); and Maurice Bacach Fitzgerald, Tenth Earl of Desmond (*d*. 1520). Small-scale warfare and raids marked the unrest through the 1510s, erupting in two large battles in the early 1520s: 'one in the south, near Mourne Abbey in McCarthy country, in which the new Earl of Desmond was heavily defeated, the other in the north, at Knockboy, in which Con O'Neill and Burke of Clanricarde proved unable to stem O'Donnell power. On both occasions casualties were unusually high, 'around 1,000 men falling at each battle.' David Edwards, 'The Escalation of Violence in Sixteenth-Century Ireland', *Age of Atrocity: violence and political conflict in early modern Ireland* (Dublin, 2007), pp. 34-78, Table 4 on p. 49, and pp. 48-52; Bagwell, *Ireland Under the Tudors*, vol. 1, pp. 127-8; *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 8, pp. 46-7.

[13] The absentee Earl of Shrewsbury is thought to have borne ill-will towards Kildare for the latter's presumption of authority over Wexford; Kildare 'had lands in the country nearby and was inclined to assume he had full authority wherever he went on progress.' This may have been the reason for a warrant permitting Shrewsbury to 'arm 40 of his retainers for quelling the rebels in Ireland, who withhold the revenues of his inheritance there.' Quinn, 'The Hegemony of the Earls of Kildare, 1494-1520', *NHI (1169-1534)*, vol. 2, p. 660; *LP (1519-21)*, vol. 3-1, Cap. 430, p. 154.

houses.[14] Finally, and not least notably, a statement made in 1538 by Robert Cowley, a well-known Butler adherent, describes how by the time of Kildare's recall in early 1520, Cowley

> appeared before the Council in England, and exhibited in the presence of the said Earl his enormities in "disheriting the King of his hereditaments"…making officers of his own to receive the revenues…and in binding Irishmen to his own "sect" to serve him and his heirs.[15]

The circumstances of 1515-20 were therefore grave enough to warrant increased interest from the crown. In the short term it culminated in the appointment of Thomas Howard, Earl of Surrey, as Lord Lieutenant in March 1520. The move represented a significant shift away from governing through Kildare and his affinities. How the shift was managed required some thought and investment of resources. And it appears at the time that Henry and his council were willing to extend both.[16]

Constructing a Framework for Reform

The result of that willingness to engage more directly in reform was the composition of the treatises and policy papers of 1519-20. Together they represented a concerted attempt to address the practical problems of governance in Ireland, with varying opinions on the nature of coyne and livery, but addressing also questions relating to sources of revenues, as well as the organisation of defences and retinues.

The 'Device how Ireland maybe well kept in obedience', addressed to Cardinal Wolsey, is full of anticipatory language, providing advice for a hitherto unnamed deputy yet to be appointed, but who was expected 'in Irland by Ester next comyng.'[17] The editor of the *State Papers* catalogued the treatise under the year 1521, and the *Letters and Papers* editor under 1520, but recent work

[14] Richard Stanihurst, 'The Chronicles of Ireland', *Holinshed's Chronicles* (London, 1808), vol. 6, pp. 233-461, p. 278; David Edwards, 'The Ormond Lordship in County Kilkenny, 1515-1642' (PhD, Trinity College Dublin, 1998), pp. 133-5; Quinn, 'The Hegemony of the Earls of Kildare, 1494-1520', *NHI (1169-1534)*, vol. 2, pp. 659-60.
[15] *CCM (1515-74)*, vol. 1, Cap. 126, pp. 143.
[16] In her critique of Bradshaw's *Irish Constitutional Revolution*, Fitzsimons observes that 'Bradshaw fails to realise that by March 1520 Henry VIII and Wolsey had already set out a coherent strategy for Surrey's lieutenancy.' Fitzsimons, 'Wolsey, the Native Affinities', *Regions and Rulers in Ireland, 1100-1650*, p. 86.
[17] 'A device how Ireland maybe well kept in obedience (1519)', TNA SP 60/1, fos. 70r-71v, f. 70r.

undertaken by Maginn and Ellis points to a slightly earlier provenance, in late 1519. They also group the treatise with two other compositions regarded as laying the groundwork for a new approach to the lordship's administration: the 'Ordinances and provisions for Ireland' and the 'Revenues of Ireland'.[18]

Maginn and Ellis posit that the 'Ordinances and provisions' and 'Revenues' were composed by William Darcy. Like the 'Revenues', the text of the 'Ordinances and provisions' is punctuated by the use of the somewhat antiquated term 'four obedient shires', which 'Darcy is known to have preferred.' Similarly, Darcy's 'preoccupation with English military order and weaponry'[19] is reflected clearly in the 'Ordinances and provisions', which is pervaded with details about how the soldiery should be organised and victualled, as well as describing the means by which coyne and livery might be avoided. The first step, he says, is to grant the deputy command of a sizeable retinue of 100 yeomen, 20 gunners, 120 galloglass, 200 kern, and 40 horsemen. Few recommendations are made as to how that was to be funded, although many of its later articles are concerned with protecting the markets and economy of the lordship.[20]

A relatively short document, the 'Revenues' offers a brief geographical description of the lordship in combination with its socio-economic divisions. It then makes some brief observations about the collection of the crown's subsidy. Its proposal of a resumption of fee-farms and customs from all the cities and towns, which was 'to be enacted in the fyrste parlyame[n]t holden' in Surrey's mandate, reinforces the likelihood of its proximity in time to Surrey's arrival.[21] A bill was indeed put forward in the parliament held under Surrey in 1521-2 'for the resumption of customs, cocket, fee-farms, etc., granted since time of Edward II', but like many of the bills put forth, it did not pass.[22]

[18] Maginn and Ellis, *Tudor Discovery*, pp. 60-1, and n12 on the same pages.
[19] Maginn and Ellis, *Tudor Discovery*, pp. 52, 62
[20] Maginn and Ellis, *Tudor Discovery*, pp. 106-8.
[21] Maginn and Ellis, *Tudor Discovery*, pp. 51-2 and 95.
[22] Quinn, 'Bills and Statutes of the Irish Parliaments', pp. 116, 121-2. For the three bills that passed out of the ten put forward, see p. 123. The emphasis placed by the bills on the need for a reliable revenue source in order to finance reform is suggestive of a change in the tenor of legislative proposals. For example, one bill expresses expectation that 'the king god willing entendeth the reformacion of this pore lond…whiche is greately [wasted?]

The ‘Remembrances for Ireland’, catalogued in the *Letters and Papers*, and dating to March-May 1520, is only slightly longer, but significantly different in content and tenor. It emphasises ecclesiastical and defensive matters, while also briefly addressing problems relating to absenteeism, as well as the conduct of the native Irish.[23] Both ‘Revenues’ and ‘Remembrances’ refer specifically to ‘the lord lieutenant’, thereby ‘fix[ing] [their] date to Surrey’s governorship,’ beginning in March-May of 1520.

Maginn and Ellis have studied the ‘Ordinances and provisions for Ireland’ and ‘Revenues of Ireland’ in detail, accordingly the focus here will be on the ‘Device how Ireland maybe well kept in obedience’ and the ‘Remembrances’.

‘Device how Ireland maybe well kept in obedience’ (c. 1519)[24]

The ’Device how Ireland maybe well kept in obedience’ is thought by Maginn and Ellis to have been linked with the ‘Ordinances and Provisions’ owing to the similarity of some of its propositions. But other than the similar number of soldiers recommended to attend the deputy – 480 compared to 524 – there is little to suggest anything more than that both were composed as advice to the crown in preparation for a new governor between late 1519 and early 1520. The treatises differ substantially, for example, on matters of warfare, the ‘Device how Ireland maybe well kept in obedience’ pointing out that coyne and livery was scarcely an issue amongst the Palesmen at that time and that there was no need for its immediate abolishment. The ‘Ordinances and Provisions’, by contrast, and consistent with Darcy’s criticisms in 1515, condemned it as ‘thabomynable extorcyon’ and outlined several methods of eliminating the practice that were similar to some proposals in the ‘State of Ireland’ insofar as they exercised a steady focus on the mobilisation of the commons at the local level.[25]

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and fallen in Ruyne’ through native depredations and misgovernance by the Crown. Such a reformation, the author declares, ‘is ympossible to be done without sumptuos and large costes.’

[23] 'Remembrances for Ireland (March-May 1520)', *LP*, vol. 4, 1, Cap. 80, pp. 31-2.

[24] 'A device how Ireland maybe well kept in obedience', TNA SP 60/1.

[25] Officers were to oversee muster in every quarter; men were to ensure they were equipped with bows, arrows, bills, and helmets, and were to practice shooting; and as well were to answer swiftly if a hue-and-cry was put up (Articles 59-63). But *cf*. Article 43, which offers that ‘none do put coyne ne lyverie on any ma[n]ns landes excepte it be on his owne in the marches.’

There is only speculation as to the possible author, D.G. White suggesting Archbishop of Dublin, William Rokeby.[26] For his part, Montaño attributes it to Archbishop of Armagh, John Kite.[27] Given the ecclesiastical concerns expressed in the treatise, it is certainly possible that its authorship could be assigned to a churchman, but there are several other candidates, like John Kite, or Prior of Kilmainham, John Rawson, both also members of the Dublin council who, given their involvement in affairs in Ireland, are just as likely to have penned it. For the moment, then, its authorship should be considered unknown.

The tract begins with a brief outline of the state of the king's army in Ireland, amounting to 400 footmen of the guard, 24 gunners, and 100 horsemen. It is possible that these are the army's suggested composition, but the numbers in any case approximate the actual forces available to Surrey on his arrival on 23 May 1520.[28] The author suggests that the contingent of horsemen be funded by customs duties and fee-farm revenues to be resumed at the next meeting of parliament; that the king should send as much artillery and ordnance as he sees fit; and that the new deputy should be present in Ireland by the following Easter.

The author seeks to tie the actions of the deputy to a privy council, comprising three English members to be assigned by the king and conveyed to Ireland, these 'to goo with him And he to doo no Acte w[i]t[h]out their advises.'[29] Significantly, it was a suggestion that, while not immediately heeded, was nevertheless adopted in the northern marches on the border with Scotland in 1525, and in Ireland in 1529.[30] Empowerment of the Dublin council as a counterbalance to vice-regal authority was one thing, but the author continued his line of thought highlighting the need to address the problem of absenteeism and buttress authority at the local level. He instructed that landowners – secular and clerical – should be resident in Ireland and so able to effectively commit to the defence of their holdings.[31]

[26] White, 'The Tudor Plantations in Ireland Before 1571', n17, p. 32.
[27] Montaño, *Roots of English Colonialism*, n37, p. 294.
[28] Ellis, *Tudor Ireland*, pp. 108-9.
[29] 'A device how Ireland maybe well kept in obedience', TNA SP 60/1, f. 70r.
[30] Ellis, *Tudor Ireland*, p. 119
[31] Likely echoing contemporary criticisms of absentee landlords and prelates. *cf*. the 'State of Ireland', above.

The author acknowledges the difficulties in governing regions beyond the Pale. Just as the deputy – until then invariably a Kildare – needed to be checked, so too was this an issue in the far-flung provinces of the lordship. He specifically names the earls of Desmond and Ormond, who ought to receive 'loving l[ett]res…from the king[es] grace' to 'resort to the Deputie at his comyng to know further of the king[es] pleas[u]r As to endeavour theym self that good peas may be kept in the mean tyme.' The Earl of Desmond in particular should be mollified by assurances suggesting that if he continues to be loyal 'his grace is content to geve him a generall perdon for all offenc[es] comyttid by hym or any of his anncestres adherent[es] or kynnesmen.'[32] The author's recommendations illustrate a precarious balance between local authority and vice-regal representation, and the sort of direct royal oversight – embodied by a king-appointed, English coterie in the Dublin council – that had hitherto been lacking.

Foreshadowing the approach to be taken twenty years later, the author presumes the cooperation of the inhabitants whose lands are 'without order', and who would benefit from the security surely to result from the re-establishment of English laws. The author is careful to advise that the king should offer assurances of his intent 'to take no thyng from any man whereunto he is lawfully entitled.'[33] The Irish custom of partible inheritance is singled out as contributing to the reigning disorder, no man 'being assured of any Succession to their heires.'[34] The king, then, should 'distribute to ev[er]y noble man and gentilman thrughout the land and to their heir[es] that wyll be obedient…suche resonable porcion of land[es] as they of reason shalbe contented withal.' Finally, those benefitting from the equal application of English law, and the distribution of land by way of *primogeniture*, should accordingly augment the king's Irish revenues through payment of 'a Resonable Rent'.[35]

[32] 'A device how Ireland maybe well kept in obedience', TNA SP 60/1, f. 70r.
[33] 'A device how Ireland maybe well kept in obedience', TNA SP 60/1, f. 70v.
[34] It was not only partible inheritance that caused confusion. As W.F.T. Butler observed, it was also caused by the Crown's failure to understand and recognise significant differences in the nature of English feudal tenure and native Irish communal landholding. Butler, 'The Policy of Surrender and Regrant, Part 1', pp. 63-4.
[35] 'A device how Ireland maybe well kept in obedience', TNA SP 60/1, f. 70v.

In addition to secular reform, an ecclesiastical campaign is also advised. Wolsey should leverage his authority in Ireland as legate[36] by appointing and delegating a commissary to gather the archbishops, bishops, abbots, and priors, and instruct them of the king's and the deputy's peaceful intentions, that 'by all good loving and gentil means to Reduce the said land to good order not entending to Comyt warre against man that with fayre means wyll doo their duety unto the king[es] grace.' The author then suggests that Wolsey's commissary gather together the provincial heads of friars and Friars Observant and instruct them to

> Send to all the Pryours and wardens of their Religion in Irland to appere before the said Comyssary…to bee solemyonely sworne to exhort the Irishmen both in their Sermond[es] and other waies according suche instruccions as shalbe gevin to theym by the Deputy and his Counsaillours.

He continues, suggesting they be sworn furthermore to inform the council if they happen to come by information prejudicial to the king's interests. Both the secular and regular clergy should also act to curtail rebellious behaviour 'and enact that all men moving warre against the king[es] grace or his Deputy bee accursid And thereupon to fulmynat the Sensures of Cursing after moost fereful and terrible maner.'[37]

Finally, the author notes that owing to the small revenues to be had from church lands, few English clergy have been willing to take up office in Ireland, 'so that Irishmen poss[ess] and enjoy theym.' But these, he continues, 'bee moost apt and redy to make war and to excite others to moeve war against the king and his Deputy.' Accordingly, a papal bull should be sought permitting Wolsey to 'unyt Bisshopprik[es] in Irland after [his] discression,' so long, of course, as his actions do not impinge on the pope's authority.[38]

To this point, the treatise's recommendations are consistent with the general tenor of reform discourse of the period. The final section of the treatise also addresses a common problem – that

[36] Wolsey was appointed papal legate along with Cardinal Campeggio in 1518. He was confirmed in that position for life in 1524. Gwyn, *The King's Cardinal: The Rise and Fall of Thomas Wolsey*, pp. 102-3; Sybil M. Jack, 'Wolsey, Thomas (1470/71-1530)', *ODNB*, Accessed 22 Jun. 2015, http://www.oxforddnb.com/view/article/29854.
[37] 'A device how Ireland maybe well kept in obedience', TNA SP 60/1, f. 70v.
[38] 'A device how Ireland maybe well kept in obedience', TNA SP 60/1, f. 70v.

of coyne and livery. However, the solution offered was at stark odds with prevailing attitudes towards the practice. Beginning on a new folio, the section is in the same hand, but on the basis of its content, it should be considered as a possibility that it represents a copy of a text composed by an entirely different person.

The section, entitled 'Consideracions why Coyne and lyverey may not bee clerely and subdaynly leid down', begins with its author outlining the difficult position of the Anglo-Irish marchers who, without taking coyne and livery, could not hope to muster the men and resources necessary to defend their territories against the bordering Irish, who also engage in the practice. Abstaining from coyne and livery would put them at a terrible disadvantage. Interestingly, the author makes the case that it is not the tenants who suffer most from the custom, rather it is the lords themselves, offering a stark contrast with the 'State of Ireland'. Whereas the lord should have 16*d*. yearly from his tenant for each acre, he instead receives 2*d*., and, furthermore, the spoliation of the tenant's land resulting from coyne and livery 'is Recompensid to theym in their Rent[es].'[39]

The threat of increased subsidies worries the lords, he continues, for then they would be suffering deprivation in *specie* as well as that experienced by the necessity of having to maintain galloglass and kern through coyne and livery and the resulting loss of revenues from tenants. If the practice of coyne and livery was to cease it would make it impossible to attend hostings called by the deputy, as the lord's soldiers, 'if they might not have mete and drynk…as they passe thrugh the cuntrey As ever they have been acc[u]st[umm]ed to have, eyther they wold come slakely furth Or els tarry at home.'[40]

The considerations of the marchers apart, the lords and gentlemen of the Pale would be opposed to the exaction of a new subsidy, even if its purpose was to wipe out the practice of coyne and livery. The Palesmen, the author declares, are 'very Seldom oppressid with the said coyne and livery.' And in any case, the support of galloglass and kern is necessary, without whom 'the Deputie can neyther well defend the Englishery from invasion ne doo…displease[ur] to

[39] 'A device how Ireland maybe well kept in obedience', TNA SP 60/1, f. 71r
[40] 'A device how Ireland maybe well kept in obedience', TNA SP 60/1, f. 71r.

thenymys.' Indeed, by harnessing the native skills of galloglass and kern, the deputy would be able to match the skirmishing prowess of Irish raiders, who possessed a knowledge of the bogs and woods that would otherwise provide a significant advantage over conventionally trained English soldiery. Those galloglass and kern in the service of the crown who happened to be slain in pursuit of the Irish would be more easily replaced, 'for other might be shortly Retayned in their stedis.' It is evident that the author, while espousing the strategic value of galloglass and kern, had little regard for their social worth. Both were ultimately expendable, for 'smale losse shuld ensue of theym.'[41]

Without suggesting a method or timeline for eliminating the practice of coyne and livery, the author concludes that, whatever the process, it ought not be done suddenly. The short-term determinant, he declares, will be to wait for the coming parliament 'to see whate the king[es] subgiet[es] wol geve to the king for leying downe of coyne and lyv[er]ey,' that is, to see if the lords and gentlemen of the Pale and marches would be willing to pay a subsidy for an as yet undescribed means of defence, or if they prefer to stick with a custom and method of dealing with Irish raiders that, however imperfect, they are nonetheless familiar with.[42] In the end, it is recognised, the outcome will depend on the king's pleasure.

The 'Device how Ireland maybe well kept in obedience' is diverse in its recommendations. It retains an ambivalence towards the native Irish exhibited in many other treatises and correspondence. Here it manifests in derision of both native Irish clerics as well as the Gaelic soldiery – the kern and galloglass in the service of the deputy – but also in its allusion to a programme that might be interpreted as extending some kind of recognition to the native Irish in an attempt to solicit their cooperation in an expanded polity. The first section of the treatise is similar in its approach to common problems that had been brought up over the years. The author offered a remedy, for example, relating to broad complaints about the Church, such as those made in the 'State of Ireland'.[43] More particularly, he addressed the issue of absenteeism, discord between the magnates, and argued for increased local authority. But the treatise under

[41] 'A device how Ireland maybe well kept in obedience', TNA SP 60/1, fos. 71r-71v.
[42] 'A device how Ireland maybe well kept in obedience', TNA SP 60/1, f. 71v.
[43] *'State of Ireland', SP*, vol. 3, 2, Cap. 1, pp. 15-6.

consideration here also demonstrates in its second section a significantly different approach to the 'State of Ireland' in its defence of both the lords of the Pale and the imposition of coyne and livery in the marches, raising speculation that the two sections may be independent compositions.

'Remembrances for Ireland' (March-May 1520)[44]

'Remembrances for Ireland' is an anonymous policy paper dated to 1524 in the *Letters and Papers*, but according to Maginn and Ellis should be considered to have been composed just before the arrival of Surrey in Ireland in May 1520.[45] Relaying some suggestions for the crown's new administration in Ireland, the paper, consisting of some fourteen items,[46] was greatly concerned with the state of the church. It saw the Irish clergy as complicit in '[giving] most help to the rebels,' suggesting that only men of English birth or of the 'English nation' in Ireland be appointed to vacant sees. In addition, the overall number of sees, whose splintered nature was regarded as having had contributed to diminishing revenues and created little attraction for 'honest and learned' men of the cloth, were to be culled. As legate of England, Wolsey was advised to appoint a bishop, with similar legatine powers, as his proxy in Ireland.[47] Churches were to be built and repaired, ministers reformed, and assurances made that temporal officials did not possess any spiritual benefices, and the papacy was not to meddle in local ecclesiastical appointments.[48]

Temporal reforms were on the author's agenda as well. The Statute of Absentees, the author declared, was to be given real force. Previous parliaments, beginning in 1399, had legislated penalties against absentee landlords, requiring a levy of two-thirds of their profits and rents while they remained outside Ireland.[49] But it was becoming evident exemptions had been granted, to the detriment of the revenues. The parliament of 1516, for example, passed an act re-affirming

[44] 'Remembrances for Ireland (March-May 1520)', *LP*, vol. 4, 1, Cap. 80, pp. 31-2.
[45] Maginn and Ellis, *Tudor Discovery*, p. 61.
[46] 'Remembrances for Ireland (March-May 1520)', *LP*, vol. 4, 1, Cap. 80, pp. 31-2.
[47] See the similar recommendation made in the 'Device how Ireland maybe well kept in obedience', discussed above.
[48] 'Remembrances for Ireland (March-May 1520)', *LP*, vol. 4, 1, Cap. 80, p. 31.
[49] Berry (ed.), *Statutes and Ordinances, and Acts of the Parliament of Ireland (King John to Henry V)*, p. 501.

those penalties and revoking any licences that had been recently granted.[50] It is testimony to how ineffectual enforcement had been that four years later the author of the 'Remembrances' found cause to stress the point once more.

Further recommendations drove home the need for augmentation of the revenues. The author put it plainly and succinctly: 'That the revenues be well and truly levied'.[51] Contributory to that, many of the towns of Munster, as well as Galway, who had been beneficiaries of long-standing grants of the profits of local fee farms and customs for the purposes of building and maintaining defensive walls, were to relinquish those profits to the crown. Interestingly, it was suggested to place a levy on every 20 acres of English arable land at a rate of 12d, and of Irish land at a rate of 8d. This differed substantially from the traditional subsidy of 13s 4d on every ploughland that had passed in recent parliaments.[52] Whereas the traditional subsidy levied 26d per 20 acres, the proposed levy came to 12d per 20 acres for the English and 8d per 20 acres for the Irish.[53] The combined levy would come close to the traditional figure, but for a chronically under-funded lordship it seemed unusually optimistic, particularly given the manifest difficulties – acknowledged in the same document – of collecting revenues from the English, let alone the native Irish. While augmentation of crown revenues may have been his primary impetus, inclusion of the native Irish in his plans appears to have been regarded favourably by the author of the 'Remembrances'.

A degree of economic inclusion was to be accompanied by common-sense inducements to encourage further cooperation between the English and native Irish polities in order to draw them together. The author of the 'Remembrances' advised that the king's deputy, therefore, 'must be liberal in rewarding captains of Irishmen,' and '[n]one of the King's subjects [were] to

[50] Quinn, 'Bills and Statutes of the Irish Parliaments', p. 113.
[51] 'Remembrances for Ireland (March-May 1520)', *LP*, vol. 4, 1, Cap. 80, p. 31.
[52] But it compares quite similarly if we take Dunlop's suggestion that a ploughland may have, in fact, have been measured at 300 acres rather than the usually accepted 120. Curtis relates the observation of Robert Dunlop that a ploughland may have been measured as large as 300 acres. Curtis and Cowley, 'The Survey of Offaly in 1550', n3, p. 314. For a description of earlier subsidies see, for example: Quinn, 'Bills and Statutes of the Irish Parliaments', p. 105.
[53] I have converted to cost per acre to make the comparison more readily comprehensible. The author of the 'Remembrances' refers to 20-acre packets of arable land, but the subsidy was generally measured according to a ploughland, or packets of 120 acres of arable land.

make war on any of the Irish captains on pain of high treason.' Inclusion, of course, had a corresponding price, for 'all the great captains of Irishmen [were] to put in pledges to the king's deputy, and be sworn to do the King service whenever called upon,' and to keep the peace with the English. They were to make due observance of ordinances, and face ecclesiastical interdiction if they violated their oaths.[54] Significantly, the author of the 'Remembrances' seemed to recognise the existing difficulties in bringing the common law to bear on areas outside the Pale, hoping to dangle ecclesiastical punishment over their heads instead.

Many of the articles in the 'Remembrances' continue the line of thought most cogently expressed in the 1515 'State of Ireland'. That document too had sought to reconcile English and Irish polities by extending the prospect – if not the reality – of a blanket denization, offering chiefs lordships and captains knighthoods, along with membership in parliament. While less comprehensive than the 'State of Ireland', the 'Remembrances' put forward additional means of incorporating the native Irish into an evolving Anglo-Irish polity. The native Irish, rather than having to make formal requests to the crown, could expect to receive the benefits and protection of English law if their chiefs and captains made oaths and pledges to the crown and, like any good English subject, contributed to the lordship's revenues by paying a discounted levy. The inclusion of the native Irish in an expanded English polity was portrayed as beneficial not only for the Irish, but for the English of Ireland as well, for they would see their traditional subsidy payments cut nearly in half.

Shaping Reform

While comprehensive policy papers are sparsely represented in the records of the 1520s, the ones that do exist are complemented by the rising tide of correspondence between Dublin and London found in the *State Papers*. The letters of Henry VIII and Surrey, in particular, provide some insight into the crown's evolving programme of reform, how effective it was, and illustrates the obstacles it faced in the coming decades. The bills presented to the Irish parliament in 1521-2 shed light on some of the goals of that programme, but also reveal those aspects of reform that the Palesmen had to contend with. The most notable was, of course, the looming shadow of the

[54] 'Remembrances for Ireland (March-May 1520)', *LP*, vol. 4, 1, Cap. 80, p. 31.

ninth Earl of Kildare, now detained in London. His father, the eighth earl, had repeatedly charmed the English king, returning to full favour even after years of duplicity. To the Palesmen, the return of the ninth earl must accordingly have seemed all but inevitable.

The correspondence of Henry and Surrey

Henry VIII's contributions to reform policy in Ireland are generally regarded as sporadic, uncertain, and at times contradictory. But they appear less so in the light of practical and intellectual parallels with the treatises of 1515 and policy papers like the 'Remembrances',[55] contributing to a sense of continuity in the evolution of crown policy. Three of Henry's letters composed in the latter half of 1520 – two addressed to Surrey and one to an unknown Irish chieftain – paint a succinct but nonetheless reasonably robust picture of his personal approach to the problems of the Irish lordship.

The fundamental nature of that approach has been the source of diverse interpretations in the historiography. Lydon acknowledged the conciliatory tone of Henry's discourse with Surrey, contrasting them with Edward I's 'condemnation of Irish law as detestable to God,' and pointing out that they 'even went well beyond what Richard II was prepared to concede, when he promised justice to aggrieved Irish chieftains.' But, like many, he cautiously implies darker motives: '[t]here was,' he says, 'a sting in Henry's message, however, which gave a hint of the more authoritative attitude of the future.'[56] Historian Thomas Bartlett, too, dismisses Henry's conciliatory words and diminishes the evident discursive contrast between Henry and Surrey, declaring that '[t]he distinction between the two approaches has probably been exaggerated: Henry VIII might have preferred mild measures, but implicit in his remarks was the threat of stunning violence should these be rejected.'[57] But Lydon's 'sting' and the dark motives asserted by Bartlett or implied by others, Quinn reasonably points out, was nothing more than the agency

[55] As well as the late sixteenth-century copy of an earlier manuscript titled 'Touching the revenues of Ireland', which records that Henry had, in fact, begun a 'general reformation' in the eighth year of his reign. 'Touching the revenues of Ireland', BL Cotton MS Titus B XII, f. 324v.
[56] James Lydon, *The Making of Ireland: From Ancient Times to the Present* (London and New York, 2012), p. 125.
[57] Thomas Bartlett, *Ireland: A History* (Cambridge, 2010), p. 75.

of a king consistent in his application of an evolving conception of royal sovereignty. It was, he says:

> the earliest and most extreme manifesto of a new monarchy and of a king who did not need Wolsey or Cromwell to put concepts of unqualified sovereignty into his head. That Henry took the trouble to enunciate it in an Irish connection has a special interest here but it is clearly what he believed as a king in England also.[58]

Bradshaw reflects Quinn's observations; although he, like Elton, emphasised the agency of the Cromwell over Henry.[59] Like Lydon, Bradshaw contrasts Henry's disposition with Surrey's bellicose inclination towards conquest. He says that '[t]he king's conciliatory gesture here was to provide an assurance that the conquest was at an end.' But there was a problem with Henry's approach, he continues, and this was related to the issue of 'ancient titles', where former 'Anglo-Norman feudatories had since become part of the patrimony of the crown.' But, he continues, 'the failure of the male line of the feudatory – gave actual possession to expanding Gaelic septs, or to upstart Anglo-Irish families.' On this matter in particular, he implies, Henry's intransigence would foster further discord in Ireland.[60]

For his own part, the Earl of Surrey's dispatches to Wolsey and Henry, beginning early in his tenure, are remarkably consistent in casting aspersions on the veracity of the native Irish.[61] He was quickly convinced of the need to take a strong hand with them, seeing it necessary to rule over the chiefs and captains of the Irishry rather than with or through them.[62] Taken together,

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[58] Quinn, 'Henry VIII and Ireland, 1509-34', pp. 325-6.

[59] Elton is generally dismissive of Henry's interest in reform in his dominions. Regarding three reformist memos Henry had drafted *c*. 1519, one of which related to Ireland, Elton views them as anomalies and evidence only of Henry's vacillating interest in administrative affairs. G.R. Elton, *Tudor Revolution in Government* (Cambridge, 1969), pp. 37-8.

[60] Bradshaw, *Constitutional Revolution*, pp. 63-4. For a more neutral interpretation of their discourse, and details relating to Surrey's tenure as lieutenant in Ireland, see: David M. Head, *Ebbs and Flows of Fortune: The Life of Thomas Howard, Third Duke of Norfolk* (Athens & London, 1995), pp. 56ff.

[61] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 3, p. 37; Cap. 6, p. 41; Cap. 7, p. 43.

[62] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 15, p. 62. But *cf*. Bradshaw, who posits the unlikely theory that Surrey's proposals for a new conquest cannot be taken at face value. He correctly observes that '[the] particular interest of Surrey's proposals is that already at this stage they outline the strategy of the classical colonial policy developed under the Elizabethan conquistadores.' But he then reads into Surrey's hawkish recommendations a

Connolly observes, Henry's and Surrey's attitudes towards the lordship illustrate 'the two opposing principles that were to characterize Tudor policy towards Gaelic Ireland, conquest and reform [or conciliation, which] sat in ambiguous juxtaposition.'[63] Surrey's attitude was plainly that of a military man who intended to fall back on the traditional means of subduing a hostile population.

But Henry's approach stood in stark contrast: it was that of a young man of some learning, brought up in an environment of Renaissance humanism, in a court populated by men who promoted the idea that monarchs had an obligation to take an active role in the administration of the kingdom. Given this upbringing, it is worth reconsidering his disposition to reform in the lordship. Indeed, the ambiguity in the historiography can be addressed by a close examination of Henry's own words. These suggest that Henry did subscribe to humanist ideologies in general, and, more practically and evidently, that he was also attentive to the suggestions recently made by several reform-minded writers and began to formulate his own programme of reform intended to address the long-standing problem of Ireland.

Henry's first letter, written in late May or June, shortly after Surrey's arrival, concerns itself with addressing some of the issues the new governor had evidently brought up.[64] From that missive it is possible to infer Surrey's observation of how disordered the lordship was: its inadequate soldiery, particularly of horsemen; and a distressing lack of victuals which necessitated the taking of coyne and livery. Henry tended to respond to Surrey's recommendations favourably and with alacrity, beginning preparations to dispatch a contingent of 100 horsemen from the north of

clever ploy to 'put Henry VIII off' a large-scale conquest, for '[it] would be difficult to reconcile such an uncompromising approach to Irish politics with the reputation he gained, according to a number of contemporary sources, for fair and courteous treatment, as well of the Gaelic as of the Anglo-Irish.' Indeed, he says, Surrey 'was at pains to emphasise its daunting nature in case the king might find the prospect attractive,' stressing 'the difficulty of financing, feeding and equipping the army of 6,000 that would be required.' Apart from the reputation he had for equitable treatment, there is little reason to suppose that Surrey meant anything other than what he actually said. Bradshaw, *Constitutional Revolution*, pp. 64-5. On Surrey's reputation, he directs the reader to: *CCM: Book of Howth*, vol. 6, pp. 190-2; *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 64, pp. 169, Cap. 28, pp. 91-2.

[63] Connolly, *Contested Island: Ireland 1460-1630*, pp. 78-9. Connolly may have intended 'conciliation' rather than the term 'reform' here. The former makes the remark clearer, though the point remains the same: that Henry's ideas for the lordship were fundamentally at odds with the means Surrey felt he needed to resort to in order to bring any sort of change to fruition.

[64] The letter is probably that summarised in: *LP (1519-21)*, vol. 3-1, Cap. 889, p. 319.

England and Wales. But he was also pragmatic: eschewing decades of criticism condemning coyne and livery, he permitted it to be levied 'after the auncient accustumable maner there used,' in order to address Surrey's victualling concerns.[65] Short-term practical measures like livery could be borne if they contributed to the longer-term campaign of 'reducing that Reame to the knoulege of God, obeisaunce of Us, whereof shall ensue peace, wealthe, and prousperitie to *all* thinhabitauntes of the same.'[66] It was a somewhat vague and idealistic objective but a nevertheless inclusive and optimistic one that Henry, under the current political circumstances, seemed committed to.

In his letter composed in October-November of 1520, Henry stressed the crown's desire that those chiefs and captains of the Irishry 'forbere to deteigne rebelliously suche landes and dominions as to Us in right apperteigneth,' before uttering the memorable phrase that he should bring that about by employing 'sober waies, politique driftes, and amiable persuasions.'[67] This was not the grasping mentality of a conqueror at work, nor perhaps the Machiavellian cunning of a cynical profit-driven colonialist; the necessary reciprocity of the relationship between the ruler and ruled still prevailed. Such methods as were used to regain dynastic lands were to be 'founded in lawe and reason,' and not 'by rigorous dealing, comminacions, or any other inforcement by strenght or violence.'[68] Henry was at pains to make it clear that coercion was not on the table; the chieftains should be reassured of the crown's sincerity: 'How be it, our mynde is not, that ye shall impresse in thaym any opinion by fearfull wordes, that We intende to expelle theym in their awne, [rather]...to use their advise, aide, and assistence, as of faithfull subgiettes, to recover our rightfull inheritaunce.'[69]

Henry's objective of securing peace, wealth, and prosperity in the context of a mutually supportive commonweal applied to all inhabitants of Ireland; it required equal participation from English as well Irish 'captains and hedes', who were to 'come into you [Surrey], as our obesiaunt subgiettes.' He made explicit his view that the native Irish, no less than the English of the lordship,

[65] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 2, p. 33.
[66] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 2, p. 32. Italics mine.
[67] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 12, p. 52.
[68] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 12, p. 52.
[69] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 12, p. 53.

had to the crown a 'naturall duetie of liegeaunce', one that went back – as so many recent treatise writers had reminded him – some three and half centuries.[70]

There was no denying the reality of the twelfth-century conquest; this was an obvious point of fact for the native Irish who had had no choice in coming to terms with the Anglo-Norman invaders. But it was a point that was perhaps not so obvious to the descendants of those invaders, who now clung to far-flung vestigial outposts and had become, over the course of the last two centuries, hesitant to re-assert claims of title to the entire island. Henry had no intentions of making good those claims on the basis of military conquest, as English kings might once have. What he had on his mind, rather, were the oaths and pledges formerly made to Henry II, as well as to Richard II in the late fourteenth century, when the great chieftains of Ireland had sworn allegiance to the English crown. Such pledges would have automatically invoked the crown's reciprocal duty to the lordship's inhabitants, English and Irish alike.

At least for the time being, Henry was attempting to re-assert his authority in Ireland in the manner prescribed by the author of the 'State of Ireland', by duly recognising the mutuality of obligations which constituted the more sophisticated ideas of the commonweal expressed in that document. In short, he was re-asserting English sovereignty in a dominion that had long forgotten what that looked like, and in a manner that conformed to Renaissance notions that abjured claims to title that relied on violent coercion.

For Henry, the concept of commonweal was more than a political slogan; it was an idea of significant political and social import. Men of learning were talking about it; some, like Thomas More, circulated within his own court. And Henry, perhaps not unlike More around this time, was beginning to believe that the ideal could be operationalised in the administration of the day.

Notably at this time, between 1518 and July 1521, Henry was working on his *Assertio Septem Sacramentorum*, or *Defence of the Seven Sacraments*, a response to Martin Luther's 1520 *Babylonish Captivity* which would soon win Henry the title of 'Defender of the Faith'. Just how

[70] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 2, p. 34; Henry uses the phrase again in a letter of October-November of 1520. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 12, p. 52.

many minds were involved in its composition remains a mystery, but it seems certain that Henry did not compose it alone. Speculation points to the possible involvement of a number of eminent men including: Wolsey; or more likely John Longland, royal confessor and almoner; or the Cambridge educated, conservative theologian, Edward Lee, who had worked with Erasmus (much to his eventual regret) on his New Testament, and was, by 1520, royal chaplain.[71] It is also probable that Thomas More assisted after the groundwork was completed '"as a sorter-out and placer of the principal matters contained therein",' as his son-in-law, William Roper, later recalled.[72]

But it would be a mistake to imagine that it was a product purely of minds more sophisticated than his own; the king's letters show ample evidence of a striving, if not keen, political intellect. While the focus of his book rested unswervingly on answering Luther's ecclesiastical criticisms, the years he spent working on it evidently brought him into more intimate contact with educated men like Lee, as well as notable humanists who had long circulated about the court, such as More, Skelton, Colet, and Fisher, to say nothing of the visits of Erasmus, the longest and most recent between 1511 and 1515.[73] It is therefore not beyond the bounds of reason that Henry may have had significant opportunity to engage in stimulating conversation and give meaningful thought to ideas of political as well as religious reform. Indeed, Henry's letters to Surrey during his lieutenancy supply important testimony to the king's commitment to the broad humanist programme of religious, social, and political regeneration.[74]

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[71] Claire Cross, 'Lee, Edward (1481/2–1544)', *ODNB*, Accessed 24 May 2017, http://www.oxforddnb.com/view/article/16278.

[72] Scarisbrick, *Henry VIII*, pp. 111-13.

[73] On the eve of the book's unveiling, in April of 1521, Oxford and Cambridge 'nominated senior theologians to attend a conference about Luther convened by Wolsey.' Henry, in fact, 'ordered Wolsey to arrange for him to address them, and...took the credit for convoking them.' Richard Rex, 'The English Campaign Against Luther in the 1520s (The Alexander Prize Essay)', *Transactions of the Royal Historical Society (Fifth Series)*, 39 (1989), pp. 85-106, p. 89

[74] Politically, '[the] crown of [the humanist] programme of reform...was a universal Christian peace.' But it also rested on the education of princes, on moral regeneration, and on the elimination of corruption. This 'high-water mark of Christian humanism' was, at least temporarily, fulfilled by the Wolsey-brokered Treaty of London. But it was also contemporaneous with the dramatic change of policy in Ireland. The period, no less in England than in the lordship of Ireland, appears to have represented a time of significant religious, political, and intellectual exploration for the relatively young king. Reform, in its many incarnations, was on his mind. Elton, *Reform and Reformation: England, 1509-1558*, pp.15-16.

The purpose of this digression into the influence of humanist thought on the reform discourse of the lordship is to help round out other discussions relating to early Tudor reform in Ireland which focus on purely pragmatic motives. These tend to overstate the pecunious nature of the crown at the expense of due consideration of countervailing intellectual forces. But the two need not be mutually exclusive, in the manner the most recent study of the period suggests.

In their 2015 *Tudor Discovery of Ireland*, Christopher Maginn and Steven Ellis express understandable frustration over the question of how humanism helped shaped reform discourse; they downplay its important effects in favour of their own explanation emphasising a process they term 'discovery'.[75] They do this by focussing on the arguments put forth in Bradshaw's 1979 *Constitutional Revolution of the Sixteenth Century*. That study revolved around the growth of a humanist-inspired Anglo-Irish reforming clique in the Pale. But Maginn and Ellis, rejecting the idea, paint in very broad strokes, concluding that

> [t]he influence on political thinking of an intellectual phenomenon such as humanism in early modern times is notoriously difficult to demonstrate; its influence in Ireland, where there was neither a royal court nor universities to foster the kind of scholarship and intellectual discourse associated with the phenomenon elsewhere, even more so.[76]

This is in some respects a valid criticism, as Fiona Fitzsimons has shown in her 2004 study, 'Wolsey, the native affinities, and the failure of reform in Henrician Ireland'. There, she notes that the few treatises available for the early sixteenth century, and which Bradshaw used as a cornerstone of his thesis, should not be considered 'evidence of an Anglo-Irish reform movement with a philosophical underpinning of Renaissance Humanism.'[77]

While the Pale intellectual milieu was not as sterile as is sometimes supposed (a notion that will be considered in the next chapter), the point to emphasise here is that its influence came to bear, rather as might be expected – *in London*, upon the king and intellectual circles at court and in educational institutions throughout the realm. The argument put forth here is that the strongest

[75] Maginn and Ellis, *Tudor Discovery*, p. 16.
[76] Maginn and Ellis, *Tudor Discovery*, p. 139.
[77] Fitzsimons, 'Wolsey, the Native Affinities', *Regions and Rulers in Ireland, 1100-1650*, pp. 83-4.

influence of humanism on reform discourse relating to the lordship in the early 1520s originated not in the Pale – but with the king himself. This is borne out plainly in the king's correspondence with Surrey and others. The extent of the effects of the king's brand of humanism on the overall discourse is of course debatable, but I contest that some of the ideas of that intellectual tradition were an important factor in the evolution of Irish policy in this period as well as later in Henry's reign.

The criticisms of Maginn and Ellis are based on the assumption that arguments advocating the potency of humanist thought were limited to the 'use, early in Henry VIII's reign, of the word "commonwealth", or "common wele".' It has been shown in Chapter 3, however, that the pedigree of humanist thought in England and Ireland extended well back into the fifteenth century, far earlier than the reign of Henry VIII. So too, the concerns of the author or compiler of the 'State of Ireland' went significantly beyond simple utterances of words relating to the commonweal. As demonstrated in the preceding, the same is true of the king's correspondence with Surrey.

Maginn's and Ellis' definition of what constituted reform literature precludes a more comprehensive consideration of the king's letters. Indeed, their account of the period of Surrey's lieutenancy does not make full use of much of the evidence available in the *State Papers* relating to the first year of his tenure.[78] Henry's other concerns around this time are also passed over, including the matters covered above: his response to Martin Luther and his *Assertio Septum Sacramentorum*; affairs on the continent; the state of relations (including Henry's own) with the native Irish and Anglo-Irish rebels; commissions to the lordship; and, not least, the lead-up to and parliament of June 1521 and related discussion of the concerns of the Pale gentry.

In addition to a somewhat constrained definition of reform literature, Maginn and Ellis also contest that the king did not actually absorb much of what was being written about the lordship, and limit his influence to 'spasmodic fits of reforming energy'.[79] It is a view consistent with Ellis' earlier notion that the reform literature of the period 'merit[ed] little credence' and could be

[78] Maginn and Ellis, *Tudor Discovery*, pp. 145-9.
[79] Maginn and Ellis, *Tudor Discovery*, pp. 142-4.

'highly misleading'.[80] An expanded definition of reform, however, following that outlined more recently by Heffernan and put forward above, in the Introduction,[81] allows for the inclusion of some correspondence to be considered as reform literature. It also permits scope to give due consideration to Henry's thoughts on the matter of reform, and casts some doubt on the notion that, after all, '[i]t is highly unlikely that the king, whose aversion to paperwork is well-known, read these several (lengthy) tracts on Ireland.'[82]

Indeed, Maginn and Ellis question the king's agency in matters of reform,[83] in spite of the king's continuing education in an intellectual environment inured in Renaissance humanism and his

[80] See section entitled 'Steven Ellis on Reform' in the Introduction, pp. 10-11.

[81] See Introduction, p. 3.

[82] Maginn and Ellis, *Tudor Discovery*, p. 142. Their supposition seems to be based on a passing remark made by Wolsey regarding one of O'Donnell's letters, which he said 'bee verie humble and pleasaunte…as maye appere to His Hignes, whenne it shall bee his pleasure *to here* the same read.' [Italics theirs]. The leap from Wolsey's comment regarding a single letter from a correspondent who had little to do with the central administration of the lordship to the conclusion that Henry 'probably' did not absorb much of what was being discussed in the reform literature seems to me far less likely than the comparatively safe assumption that Henry probably tended to read some of the reform literature that passed his way. If that was not the case, he evidently – according to Maginn and Ellis – had Wolsey there to read him the documents and may have been 'orally briefed of their contents.' Either way, the king was a participant in the reform discourse, as is made manifest in this chapter. See also Quinn's 'Henry VIII and Ireland', where he observes Henry as an 'active force in Irish policy-making,' and that '[t]here are indications that the king read his despatches and influenced the drafts which Ruthal made for his replies. Moreover, when Surrey sent over messengers to report verbally, they did so both to the king and to Wolsey.' (Ruthal was Lord Privy Seal and Bishop of Durham). Quinn, 'Henry VIII and Ireland', p. 325. Given this, the idea that Henry had 'an aversion to paperwork' and so little interest in reform or ideas relating to it seems unlikely. See, for example, Scarisbrick's overview of Henry's education on pp. 4-5 and 15-16 of his *Henry VIII*: While his father may have kept him insulated, his mother appears to have ensured a well-rounded education and exposure to numerous humanists at court. This, of course, is to say nothing of his long discussions with men like Thomas More, and his fluency in numerous languages and mathematics. It is doubtless possible that Henry was not keen on reading the reform tracts, but the period around 1515-20 is significant for the interest the royal administration took in matters of reform relating – at least – to Calais and Ireland, to say nothing of Walker's contention (see above, pp. 140-1) that his interest also extended to the reorganisation of his household and wardships. That Henry would exempt himself from interest in reform – matters he showed himself to be abreast of by at least 1520 – is, based on the evidence, highly improbable.

[83] Maginn and Ellis posit, for example, that it was Wolsey who was primarily responsible for the recall of Kildare in 1519. Crown disaffection with Kildare, they say, arose in the wake of Wolsey's confrontation with him afterwards, as related in Polydore Vergil's *Historia Anglicana*, though there appears to be little evidence of when this altercation actually occurred. In any case, Kildare was 'bound over' in London according to a recognisance dating to 4 May 1520, and again the following spring, including a restriction on his communications to Ireland. But Henry's own suspicions of Kildare duplicity are made plain in his first letter to Surrey between April and June of 1520, where he appears to recite implications of the same made by Surrey in an earlier letter. He recounts the contents of that earlier missive, wherein Surrey had '[s]hew[ed], ferthermore, suche conspiracye, as by meanes of theErle of Kildare and his servauntes, is daylie there made with the Irishe rebelles ayeinst you.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 2, p. 32. In contrast to Maginn and Ellis, therefore, given its previous recall of Kildare in 1515 and again in 1519, combined with the complaints about him and magnate rule in the reform treatises more generally,

correspondence with Surrey. It is a position that enables them more readily to advance their thesis that perceived 'failures' of reform owed themselves to 'the regime's lack of knowledge' and 'the narrow base from which it sought to acquire it.'[84] Conversely, any progression in matters of reform might presumably be attributed to substantive gains in knowledge about Ireland, which they term the process of 'discovery', thus sidelining the significance of ideological developments and their influence on reform discourse and its interlocutors.

But a part of the process of 'discovery' was the reform discourse itself, and to recognise the place of discourse in both 'discovery' and reform a full acknowledgement of the contributors to the discourse must be made. It is contested here that Henry VIII was very much a part of that discourse. He was not a passive actor, without agency; nor was he an unimportant outlier given to 'spasmodic fits of reforming energy'. Rather, he engaged with discourse consistently throughout the period of Surrey's lieutenancy, absorbing reports about Ireland and transmitting humanist ideas back with instructions as to how the administration of the lordship should proceed.

In 1515, the author of the 'State of Ireland' had described conditions in terms that evoked a vivid picture of a polity ruined by neglect and tyranny. While continuing to advocate for long-standing practical measures embodied in medieval statute, his description nevertheless served to bring into relief the importance of political reciprocity and inclusion, encapsulating the idea in the term commonweal. In his letters to Surrey, Henry repeatedly calls for 'politique governaunce' under the 'rewles of the lawes'. To emphasise their importance, as in the 'State of Ireland', he contrasts these with 'reames without justice [which] be but tirannyes and roberies, more consonaunt to beestly appetites.' The author of the 'State of Ireland' had described how native Irish polities, as

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as well as Henry's early, easy acceptance and understanding of Surrey's difficulties surrounding Kildare and his supporters in Ireland (in his very first letter), I suggest that the crown was well on its way to establishing justification for his displacement. This is borne out subsequent to Kildare's recall too: in Wolsey's disaffection, Surrey's disaffection, Henry's acknowledgement of their issue with him, the search for an alternate deputy when Surrey expressed his vehement desire to return to England, and the crown's eventual decision to appoint Butler (which must be considered a somewhat radical move, owing to the by-then bitter rivalry between Butler and Kildare). Maginn and Ellis, *Tudor Discovery*, p. 147. For the rivalry between Butler and Kildare, see Chapter 5, below.

[84] Maginn and Ellis, *Tudor Discovery*, pp. 146-7.

well as those of the rebellious English, lived by the sword,[85] and Henry echoed the sentiment, observing how under a tyranny it was 'by strenght the weker is subduyd and oppressid.'[86]

The distinction between the realm governed by reason and the realm governed by beastly appetites was not just an ideological one; there were more practical implications. Particularly galling was that in such polities there 'is noo distinction of proprietie in dominions, ne yet any man may saye, this is myn.'[87] Land and property ownership in a land of petty tyrannies, of raids and cattle-rustling, was little regarded. Echoing again the words of the 'State of Ireland', Henry concluded that such conditions were 'contrarye to all lawes, boothe of God and man.'[88] Indeed, it was this reasoning, against tyranny and in the spirit of an evolving idea of the commonweal, that dictated to the crown an inclusive, conciliatory approach. It was a programme for reform which, on the one hand, recognised the rights of the native Irish who came in to Surrey and professed their loyalty to the crown, but on the other nevertheless permitted the crown to respond to those petty tyrants – English rebels or Irish chiefs or captains (but all, nevertheless, subjects) – 'who deteigne violently any parte of landes to Us ryghtuously appertaynyng.'[89]

At the beginning of his lieutenancy Surrey had been optimistic about bringing a degree of stability to the lordship. As early as 23 July 1520, a commission he had dispatched to deal with the enmity between Desmond and Butler had met with apparent success, as had its efforts to secure oaths of loyalty from the rebellious English of Munster: Lords Barry and Roche, and Sirs John FitzGerot, John of Desmond, and Thomas of Desmond. So too had his own efforts against the Irish rebels, O'Carroll, O'Connor, and O'More, succeeded; with the help of Butler and William Darcy, these swore oaths and gave pledges. Other native Irish leaders of more amenable dispositions, such as Cormack Oge McCarthy of Muskerry and McMurrough of Leinster, offered oaths of fealty as well.

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[85] *'State of Ireland', SP*, vol. 2, 3, Cap. 1, Cap. 1, p. 16.
[86] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 12, p. 53.
[87] This would seem to argue against W.F.T. Butler's claim that even as late as the 1540s 'Henry assumed that there was no essential difference between the English and Celtic systems.' Butler, 'The Policy of Surrender and Regrant, Part 1', p. 63.
[88] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 12, pp. 52-3. The author of the 'State of Ireland', however, wrote the same words in relation to the levying of coyne and livery, which he nevertheless regarded as a tyrannical extortion. *'State of Ireland', SP*, vol. 2, 3, Cap. 1, p. 15.
[89] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 12, p. 53.

Surrey was optimistic that others might also come in, pointing out that he '[knew] divers other Irishmen of like mynde.'[90] By 6 September, even O'Neill, who had been the only significant hold-out, had apparently come in, Surrey declaring in a letter that '[a]ll Irishmen of this land bee at peas.' The king duly praised the earl for his efforts the following month, dispatching 'a coller of golde, of our livery' for O'Neill.[91] Yet even at this early date, just a few months after his initial successes, scepticism was creeping in, Surrey observing of the native Irish chiefs, 'there is smale trust in their promyses.'[92]

Surrey soon became frustrated with their tendency to descend into rebellion. This was a characteristic true also of the Anglo-Irish Earl of Desmond who returned to squabbling with Butler time and again throughout Surrey's deputyship, before suffering a significant defeat at the hands of Butler's native Irish allies, and neighbours of Desmond, the McCarthys of Muskerry, late in 1520. But Desmond's defeat was not a thing that Surrey was prepared to celebrate. Anglo-Irish earls, notably the Kildares, had shown over and over that the key to hegemony in the lordship was fostering alliances with the native Irish septs. Surrey's ally, Butler, was no different. Yet Surrey could not help but express significant consternation that a native-led force – albeit an allied one – had subdued a rebellious, but nevertheless English, enemy.[93]

For his part, Henry appeared less concerned with the distinction, placing more stock in obedience than ethnicity. His letter of October 1520, already replete with the language of conciliation, continued its exhortations that Surrey proceed with the native Irish in a manner that reassured them of the crown's intention to 'conserve theym in their awne [lands], and to use their advise, aide, and assistence, as of faithfull subgiettes, to recover our rightfull inheritaunce.' Adherence to English law, too, was preferable, but the native Irish were by no means to feel constrained to adopt it in every respect. Rather, they ought to be encouraged to see that it was surely desirable that 'every reasonable creature be governyd by a law.' But if they saw reason to baulk at English law, Surrey was to engage in a meaningful dialogue, inquiring 'of thaym, under what maner, and

[90] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 3, pp. 35-6, and Cap. 13, p. 57.
[91] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 12, p. 56.
[92] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 7, p. 43.
[93] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, p. 46.

by what lawys, thay woll be orderyd.' In spite of decades of policies and treatises condemning brehon law, Henry offered that if English law was not acceptable, and 'thayr lawys be good and reasonable, thay may be approvyd.' What was sought was simply 'the observance of summe reasonable law,' so that they 'not lyve at wyll, as they have usid hertofore.'[94] Surrey initially seemed amenable to Henry's experiment with conciliation and inclusion, but his tolerance quickly waned with experience and changing circumstances in the lordship.

Despite Surrey's wariness, Henry remained optimistic. In December 1520 he wrote to an unknown Irish chieftain, summarising the contents of a letter he had received from the chieftain sometime earlier. It is evident that the chieftain had offered his service in return for royal recognition, where, Henry described, '[we] schall have your servyse, after the best of your power, promysyng to be content to take all such landes, as ye have, with other parselles, of Us, by letters patentes, with a creacion of a name of dignitie to you and your heyrys maslys, beryng unto Us and our heyris a competent rent.' The king was aware that many native Irish leaders might be more hesitant to come to terms than the unknown chieftain 'onlesse thay may perceyve that We woll royally and roundely procede.'[95]

As in his instructions to Surrey, Henry offered vehement assurances of his resolve 'to reduce that disorderyd land to summe goode, vertuous, and politique governaunce; whereunto We assure you, none of our progenitours or auncestours wer ever so desirous, and determynatly resolvyd, as We be at this tyme.' Yet it is interesting to note that whereas the chieftain had apparently criticised Henry for sending a small army unequal to the task of reforming the lordship, the king nevertheless remained steadfast in his conciliatory intentions:

> inasmoche as our intent and mynd was, and yet is, to cause our said Irische rebelles, and disobeysaunt subjectes, first to recongise thayr errours, and reconcile thaym self by vertuous admonicions, resonable offres, and charitable exhortacions, We therfore have hythyrto forborne to sende thydyr any puyssant army, trustyng that thay, folowyng our sayd

[94] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 12, p. 53.
[95] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 14, pp. 59-60.

> charitable offers and monicions, woll not fall by contumacie in contempt and incorrigibilite, by refusell of the same.[96]

Henry repeated his appeal to natural, divine, and temporal law, perhaps reminding himself, as much as his interlocutor, of the humanist agenda – that devotion to such 'charitable order is not oonly approvid by the Evaungelies, and all lawys, but also injunyd by precept to all princes, prelates, and governours.' This temperance, however, was mediated, as ever, by a recognition that the king's charity might be rebuffed, and coercive means might then be employed. The goal of regaining control of a lordship that was regarded as encompassing the entire island remained, and, if necessary, as the chieftain requested, Henry promised 'in our owne persone, with a sufficient power both by lande and see, to repayre thedyr.'[97]

Around the same time, Surrey's doubts about the king's programme were coalescing. In a letter of 16 December 1520, he made clear his opinion that 'this londe woll never be broght to dew obeysaunce, but only with compulsion and conqwest.' He had perhaps grown weary of sporadic communication with London, and the difficulties he had experienced securing wages for his soldiers. Current costs were being wasted on simply preserving the peace, 'wich neyther shalbe to His Grace honorable nor proffitable,' and to the earl 'shall ensew not only reproche and shame...but also I shalbe undone therby,' for many of the costs, too, were being absorbed by the earl himself. He might regard things differently 'if I myght se that gode effect shuld ensew theroff,' if, that is, a full-scale investment in military conquest was made. The earl would, of course, remain and do his duty. He was undoubtedly committed to Henry's vision of a lordship encompassing all of Ireland, but his diminishing confidence in Henry's conciliatory methods were manifest. His plea to be spared further service in Ireland was now out in the open, and the seeds of his recall were sewn in the closing lines of his letter, where he points out that his scribblings were made 'with the ill hande of hym, that is Yours most bownden.'[98]

[96] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 14, p. 60.
[97] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 14, p. 61.
[98] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 15, p. 62.

Why did the reform programme stall?

Henry's reform programme may have stood a better chance of success had the Irish parliament met in November 1520 as originally planned. As it was, the parliament was not held until the following June. What transpired to alter circumstances in that time is not clear from the scant records, but between late 1520 and mid 1521 Surrey's attitude toward the lordship had solidified and his change of disposition did not auger well for the programme.

The transmiss of bills for the 1521-22 parliament offer an outline for an innovative programme of reform. Yet of the ten reform-oriented bills, only three of the more mundane ones ultimately became law. One of the more intriguing bills seeking to augment the revenues that did not pass was for establishing a crown monopoly on the importation of salt. The details of the bill paint a picture of a parliament and council increasingly conscious of its own potential to engender significant reform in the lordship in the absence of a Kildare deputy. Echoing historically familiar issues, the authors of the bill criticised the 'manyfolde opressions of the kynges yrisshe Rebellis and the mysgouernaunce of the kynges Englisshe subiectes.' Because of the negligence of the king's forbears, the English of Ireland, they continued, had almost universally adopted Irish manners and customs. Recognising that what was required 'too encorage his grace [to reform Ireland]' was an increase in the collection of revenues, they offered that the king should 'haue the furst byeng and sellyng of all the Salt that shall cumme in to this lande.' Reform without a dramatic increase in the yield of revenues, the bill's proponents felt, would be impossible.[99]

Likewise, a second failed bill intended to shore up revenues advocated that the resumption of customs fees, cockets, fee farms, and poundage was critical of 'the synguler suggestions and peticions of dyuers particuler persons for their owne propre lucre and profite.' These individuals had 'by manyfolde and seuverall grauntis gauyn graunted and distributide the most substaunce

[99] Quinn, 'Bills and Statutes of the Irish Parliaments', pp. 120-3. By the end of the parliament in 1522 it appears that only three bills passed: an act against the burning of corn, an act against transporting wool and sheep out of the lordship, and an act modifying jury requirements. Surrey had long complained of insufficient wages for the soldiery: *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 5, p. 40; Cap. 7, p. 43; Cap. 8, p. 47. Surrey was therefore understandably keen to address the issue of the Crown's income in the lordship and accordingly indicated his intention in a letter to Henry regarding the upcoming parliament to devise acts to increase the king's revenue. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 6, p. 41.

of the seide Revenus.' As in the 'State of Ireland', aspersions were being cast on unnamed civil servants who had in the past divested the crown of its rightful revenues.[100]

The lack of corroborating sources relating to the movement of bills between the Dublin administration and the London council hampers our ability to determine why these bills were never passed. It seems likely that they were opposed in parliament and never made it into law, but by which group or individuals (nobility, gentry, clergy, Pale landowners, march landowners, etc.) in particular they were opposed is not known.

Bradshaw draws a compelling picture of the close association between the Anglo-Irish gentry of the Pale and the early sixteenth-century impetus for reform, and certainly the treatises of 1515 seem to confirm a connection of some significance. But if that is the case, why would members of the Pale obstruct the passage of two bills that made such manifest sense from a reform perspective? For Bradshaw, the answer was not a rejection of reform, rather it was an objection to the manner in which it was to be financed. For the Anglo-Irish of the Pale, he asserts, '[t]he obedient community was neither able nor prepared to bear the financial burden of reforming the rest of the country. That was the responsibility of the crown.'[101] However, given recognition of the manifest correlation between crown revenues and the potential for reform made in contemporary treatises, it seems incongruous that prominent members of the council, often themselves the authors of reform literature and correspondence who would stand to gain from reform, would have rejected the bills outright. It may be, however, that they sought a cheaper, slower, more controlled, 'particular' reformation, of a sort different from the more costly conquest-oriented 'general' reformation favoured by Surrey, or the unpredictable, possibly costly, humanist-inspired, conciliation-oriented 'general' reformation championed by Henry.

Another explanation for the withdrawal of parliamentary support also bears consideration. At the same time that parliament was convening, events on the continent had put a damper on the

[100] Quinn, 'Bills and Statutes of the Irish Parliaments', p. 122.
[101] Unfortunately, while he acknowledges that there is no record of the parliamentary debates, Bradshaw suggests that 'the local argument soon became clear in submissions to England on the subject of financing the reformation.' What exactly these 'submissions' were or consisted of is not referenced. Bradshaw, *Constitutional Revolution*, pp. 78-9.

king's enthusiasm for reform in the lordship. One of Henry's councillors, John Petchie, had delivered a message to Surrey in secret outlining his reasons for being unable to supply the money and troops necessary for a large-scale conquest. The king, Petchie's letter explained, would have been glad to send Surrey troops 'if other right weightie matiers, and depe consideracions...had not moved [him]...to forbere the same.'[102] The fear of a dispute between the Holy Roman Emperor and the French king was invoked; the terms of the Treaty of London permitted an aggrieved signatory to receive the aid of one of the other signatories against an aggressor. By early 1521, the emperor, Charles V, was requesting the assistance of England against France.[103] Wolsey was able to stall the emperor until the following year, but the timing explains Henry's reluctance to go forward with his ambitious plans for the lordship. The result was that the 'strategy of "policy", diplomacy and conciliation, which figures so prominently in previous letters, now disappeared from view.'[104]

It is implicit in Henry's dispatch, carried by Petchey, that Surrey had hoped to cajole the king into acceding to his earlier recommendations to either send a substantial force or consider returning Kildare to Ireland. Surrey had made sure to highlight the threat of O'Neill, whose intercepted letters suggested some duplicity and raised the spectre of a combined native Irish force invading the Pale. Augmenting that threat, he had also pointed out the danger posed by the third Earl of Argyle, a dominant magnate then extending his power in western Scotland, and the possibility of his joining with O'Neill in a larger confederacy set upon 'the distruction and finall extermination of the Inglishrye.'[105]

Henry's response was decisive: he rejected both propositions outright. England's obligations through the Treaty of London could potentially mean war on multiple fronts, including Scotland. The king was not prepared to open up a further front in Ireland. Even a small increase of 300 horsemen and 500 footmen, he protested, would bring the yearly cost of maintaining an army in

[102] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap 18, pp. 65-70.
[103] Scarisbrick, *Henry VIII*, pp. 71-2 and 94.
[104] Bradshaw, *Constitutional Revolution*, pp. 65-6.
[105] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 18, pp. 65-6; J. Dawson, 'Campbell, Colin, third earl of Argyll (*d*. 1529), magnate', *ODNB*, Accessed 17 Oct. 2018, http://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-4482.

Ireland to some 16 or £17,000, an amount that neither he nor the Irish parliament were willing or able to underwrite. Such an outlay, moreover, would leave the crown in no better position than it already was and, in fact, would jeopardise the funding of any sizeable army in the future, if it were then found to be needed. In short, until the situation on the continent was resolved, Surrey was to see to it that 'His Grace be not put to ferther charge,' thus reinforcing the need for 'politic ways' to be found in dealing with the native Irish.[106]

It is not surprising then, at the time parliament was convening, that Surrey's commitment to the programme, which had never been iron-clad, had eroded considerably. Even if the Palesmen remained unaware of Henry's secret letter and abrupt about-face, it is likely that Surrey's waning enthusiasm for reform of the lordship was becoming clear. With the prospect of Surrey's departure growing, the Palesmen were forced to tread a careful line between embracing the prospect of reform in Ireland and safeguarding their futures should the crown come to approve Kildare's return. Suspicions abounded about Kildare's instructions to the native chiefs to rebel should the crown return an English deputy, and the Palesmen would have feared renewed incursions into their lands in the Pale and on its marches.[107]

The backing of both native Irish and Anglo-Irish had been contingent on repeated assurances of the crown's fortitude in seeking reform and keeping the Earl of Kildare from regaining authority in the lordship. To that end, he had been detained indefinitely in London under suspicion of

[106] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 18, pp. 67-8.

[107] Surrey had received testimony from O'Carroll, O'More, and O'Connor, Irish chiefs recently subdued by him, that Kildare had been leveraging his connections with them in order to foment rebellion and secure his return to Ireland and appointment as deputy. Further corroboration was offered by O'Donnell, who reported that O'Neill had attempted to induce him to war against Surrey at the behest of Kildare. O'Donnell had refused, but fear of reprisals should Kildare return had caused O'Carroll to make war against the English. According to Surrey, it was his promise that the king 'wold never suffer the Erl of Kildare to bee your Deputie here more,' that had finally brought him to make peace. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 3, pp. 36-7; A written confession of O'Carroll, provided in a subsequent letter, reported the words of Kildare: 'Desiring you [O'Carroll] to kepe good peas to Englishmen, tyll an English Deputie come there; and when any English Deputie shall come thydder, doo your best to make warre upon Englishmen there.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 7, p. 45. The fear of Kildare's return is mentioned again in Surrey's letter of 6 September 1520. Rumours had been circulating that the earl was to marry the king's cousin and return to Ireland and the office of deputy. English and Irish alike feared that his restoration would mean a return to reprisals and decay. And there was the added fear, from a strategic perspective, that Kildare's return would spur the native Irish to '[combine] theym soo to gydders, that they wol rather adventure to destroy all thEnglishery, then to bee distroyed theym silf.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 7, pp. 44-5.

'sedicious practices, conspiracies, and subtill driftes.' He was as yet to be examined by Wolsey for 'disgressing from his duetie of liegeaunce, by disturbing of the peax of that our land, and provoking any our subgiettes to the werres ayeinst you [Surrey].' If found guilty, he would be 'condignely punysshed, that all other shall take fearfull example by hym.'[108]

Bradshaw points out that late in 1521 we find increasingly plaintive assurances from the Palesmen, directed to the crown, that Surrey had done an admirable and effective job in reducing the land to obedience and 'obtaigned the love and prayer of us, and all the Kingis said subgettes here.' He had, they continued, distinguished himself in war, as an impartial provider of justice, and an administrator without corruption. It was Surrey, they proclaimed, who had 'the best experience of this lande, and the wayes how the said reformacion may rathest be brought to effect, of ony man, that ever came in this lande in our tyme.'[109] By the end of February 1522, a month before Surrey left Ireland for the last time, they were lamenting that 'we feere to be in no small daunger, by reason of this sodayn departing of the Erll of Surrey,' perhaps hoping that by piling further praise upon the earl the king might send another like-minded governor, duly backed by a royal army, capable of the same sort of 'right noble and diligent actyvyte here.'[110] It seems probable that the Palesmen had caught more certain wind of Surrey's weakening resolve, and sought to bolster it through their encomia.

Surrey's prescription for reform based on conquest

Surrey's correspondence increasingly expounded his own recommendations for reform – diverging from the king's – which conformed in some respects to models of particular reformation outlined in earlier treatises by which smaller regions might be taken by force one at

[108] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 2, pp. 33-4.
[109] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 28, pp. 91-2. The signatories were: Hugh Inge, Bishop of Meath; John Rawson, Prior of Kilmainham; William Preston, Viscount Gormanston; Nicholas St Lawrence, Baron Howth, John Barnewall, Lord Trimleston; Patrick Finglas, Chief Baron of the Exchequer; and the abbots of St Thomas Court and Saint Mary Abbey.
[110] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 29, pp. 93-4; Bradshaw, *Constitutional Revolution*, p. 77. For the generally positive views the Pale nobility had of Surrey, and the increasing participation of Palesmen on the council, see: Power, *European Frontier Elite*, pp. 66-7.

a time, year on year. This piecemeal strategy would require at least 2,500 men. The alternative was for the king to send at least 6,000 men who might conquer several regions all at once.[111]

Key to Surrey's approach, however, was a reliance on force and colonisation. He observed that Ireland was much larger than Wales, and that that country had taken Edward I ten years to subdue. Whatever strategy was to be taken, victualling for the proposed army would have to come out of England, and fortresses would have to be built in each country that was won. Furthermore, inhabitants from England should be settled on the conquered regions, or else the whole enterprise would be to no purpose. Irish tenants were few, he said,[112] and would anyhow only 'retourne to their olde ill roted customes,' eschewing labour, letting the land go waste, and falling back once more onto their pastoral ways. Surrey concluded by stressing how little assistance he had received from the Anglo-Irish, how thankless they had been given the crown's, and his, efforts, punctuating his closing lines with a plaintive and ingratiating appeal to 'commande me, your poure servaunte, to serve Your Grace, in Inglond, or in any other place, then here.'[113]

By the end of July 1521, Vice-treasurer John Stile was reporting to Wolsey of Surrey's increasing difficulties. O'Connor and O'Carroll had reneged on their oaths of the previous year and required further subduing.[114] Surrey was not alone in his desire to restrain the midland chiefs from gaining a position from which they might once again invade the Pale. Parliament and the Dublin council, too, had backed his move to pre-empt any incursion, suggesting that perhaps the majority sentiment amongst the lesser Pale nobility and the gentry was aligned with particular reformation, or more severe approaches to reform and the Irish problem than were allowed for in Henry's by now somewhat isolated, conciliatory programme.[115]

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[111] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 19, p. 73.
[112] This is an interesting observation that contrasts significantly with many commentators like Golding and Darcy, who complained that Irish tenants were routinely favoured over English tenants, suggesting at once they were more numerous and more likely to provide a stable rent. See Chapter 2.
[113] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 20, pp. 72-5.
[114] Stile's report of Surrey's movements includes Connell O'More as one of the rebels. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 22, p. 80.
[115] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 22, p. 79.

Desmond's disposition, too, was unknown. And Surrey could not find the means to invest his trust in O'Donnell, who had recently made peace with O'Neill. Both had offered assistance to the lieutenant, but Surrey responded by accusing O'Donnell of deliberately flouting his instructions to avoid enlisting the aid of Scottish mercenaries. Surrey opted instead to play O'Donnell off against O'Neill, preventing their further rapprochement.[116] In doing so, he denied himself the assistance of either. His plan to sow dissent amongst the northern Irish, expecting them to fall in line when he called, had spectacularly failed. Yet Surrey made certain to direct fault solely towards O'Donnell, describing him in a vitriolic letter to the king, somewhat dubiously, as the greatest threat to the successful recovery of the crown's Ulster lands.[117] The lieutenant's actions in the north, south, and the midlands rendered stability in the lordship once more in doubt.

Just two days later, on 16 September 1521, Surrey was at his wit's end. He requested once more 'to be discharged off this office here,' complaining that he had borne such 'grete costes and charges...to myn undoing,' and that '[t]his contree is so moche disposed to flux of the body, with which disease I have off late be so sore vexed.' Staying, he continued, would put him 'in right grete danger off my lyff.'[118] It may have been that for the much afflicted lieutenant, the conciliatory elements of the king's programme were just too unrealistic, or at the very least simply at odds with his own beliefs and assessment of circumstances in the lordship. Likely, they combined, too, with the usual difficulties governors had in securing the necessary funding to sustain their office and retinue.[119]

By October 1521, the Vice-Treasurer, Stile, was critical of how little had been done to secure the timely collection of the revenues, as well as of the self-interest of the administration's officials;[120] any hope of supplementing revenues by other means had been dashed with the rejection by

[116] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 22, p. 81.
[117] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 23, pp. 82-4.
[118] To be fair, sickness was rife. Surrey reported that some 60 men in the king's service in Dublin had succumbed, with many more yet ill. And he dubiously expressed confidence that the lordship would again be at relative peace, although he still felt that the oaths of the native Irish meant little and he hoped to keep them 'in feare.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 24, p. 84.
[119] For an example of Surrey's complaints regarding funding, see: *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 24, p. 84.
[120] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 25, pp. 85-6.

parliament of the proposed salt tax. Ultimately, Surrey had failed to shore up the revenues or facilitate reform in parliament. He had expressed increasing scepticism of the possibility of rapprochement with the native Irish and was beginning to fuel acrimony in the lordship.

In a subsequent report later the same month, Stile paid testimony to the tenuous state of affairs. But Stile's letter to Wolsey on this occasion also cast significant doubt on Surrey's abilities as an administrator. Stile was critical of how the king's treasure had been wasted on pointless bribes to keep the peace with the 'naturally covituse, and dissaytefully sottill' native Irish. The revenues remained diminished, and were, in fact, in worse order than thought, having been over-estimated; they now stood at £1,100 for the year, some £300 short of Stile's previous estimate. And administrative officers were being appointed by Surrey who did not do 'theyre delygences for the Kynges profytes,' including officers of the court, collectors, receivers, and others. Men of the courts, in particular, were either under-educated or corrupt, granting favours to their friends. Other officers, who had been around since the days of Kildare's vice-royalty, were 'not of gode mynde towardes the recovery of the Kynges revenwis.' Finally, Stile's letter made it clear that while each probably harboured similar doubts about native Irish fidelity, neither the lieutenant nor his Vice-Treasurer were seeing eye to eye from an administrative standpoint.[121]

It is perhaps no wonder, then, that just a couple of weeks later Henry relented to Surrey's requests for recall without rebuke or criticism. It must have been painfully evident by the tenor of Surrey's letters that his experimentation with an English magnate as governor had failed. He praised Surrey and readily asked for suggestions to replace him. In the meantime, after sounding out Piers Butler as a candidate, Surrey was to be permitted to visit England under the pretence that he would return to the vice-royal office in a short time, so as not to encourage rebellious disorder. Henry's letter to Surrey strikes a note of regret: despite the great charges the crown had been put to by the lieutenant and his retinue, the result had been of 'litle effecte', and there was little point in continuing in like manner. Accordingly, the king entertained the hope that

[121] Stile had been rebuffed for bringing the shortcomings of his officers to Surrey's attention, and was forced to seek assurances from Wolsey that he would not be persecuted for doing his own duty, for 'as your Grace knowithe, that he ys a grete lord, and some tymes hasty, more then nedithe, whiche ys hard for a pore man, as Y am, for to contrary his mynde.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 25, pp. 85-8.

Butler might be agreeable to becoming deputy, and that he would be able to do so with the same or fewer resources than the Earl of Kildare had once had. By resuming the crown's former conservatism, the savings to the treasury might be put to better use, including the possibility of re-engaging with reform in the lordship at a later date. Indeed, during negotiations with Charles V in 1522, a clause was included that provided for further intervention in the lordship: 'If Henry should wish to subdue Scotland or Ireland, or the Emperor to recover Gueldres or Friezland, they shall afford each other mutual assistance.'[122] For now, however, it had to be recognised that Henry's programme of reform could advance no further.

Conclusion

For the better part of the first three decades of the sixteenth century, there was an intensifying desire to engage directly with the crown, avoiding the dangers posed by an intermediary authority like the Dublin council that was generally controlled by the Earl of Kildare. Treatises and policy papers had begun to make their way into Wolsey's or the king's hands since 1515. These expressions of dissatisfaction of some of the Palesmen arising from inefficient administration and abuses of authority likely influenced the crown's decision to recall Kildare to London to answer accusations of complicity in the seditious activities of his kinsman, Desmond. It must have been clear to the crown by the time of Surrey's appointment, and with the dissemination of at least four treatises and policy papers putting forth ideas relating to reform, that the Palesmen, if not those Anglo-Irish further afield in the lordship, were themselves eager to hear the crown's response.

That response came swiftly after Kildare's recall with the appointment of the Earl of Surrey in 1520. It marked the first attempt at serious reform since Poynings' appointment as deputy in 1494. Both Poynings and Surrey were military men with experience in administration. In Surrey, Henry hoped to have installed a governor who could offer strong defence to the Pale, but also

[122] *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII (1521-23)* (London, 1864), vol. 3-2, Cap. 2333, p. 988. See also Maginn and Ellis, who suggest that while Henry 'almost certainly did not read the tracts on Ireland available to him…he supported reform nonetheless, and continued to leave open the possibility of another royal intervention there.' Maginn and Ellis, *Tudor Discovery*, p. 150.

set the foundation of an Irish polity that would ultimately be inclusive of the native Irish, albeit under English common law, forms of tenure, and methods of inheritance.

Henry recognised the long-term nature of the programme he sought to follow. It was to be one based on the humanist notions of social inclusion and rejection of tyranny, which were important cornerstones of a strong and enduring commonweal. Just as in England proper, a new Irish commonweal would energise and strengthen a Tudor kingship still anxious to shed the trappings of magnate rule and overmighty lords – in short, of 'bastard feudalism'. Key to remedying that, as the 1515 authors suggested, and now so too those writing to the king in anticipation of the arrival of a new governor, was the replacement of Kildare.

But Surrey's impatience and martial temperament were found to be at odds with Henry's intentions. While Surrey had significant initial military success, he was never able to come to terms with the nature of negotiations with the native Irish, requiring time and the accrual of trust. It was not enough to pacify O'Neill and the great midland chiefs and expect others to fall in line in perpetuity. A lasting settlement of the type the king sought necessitated, as he said, the application by his vice-regal representative of 'sober waies, politique driftes, and amiable persuasions' – key attributes of a personal disposition that Surrey did not possess.

These fundamental differences between Henry and his lieutenant became increasingly apparent. That difference was one that was being explored in the reform treatises beginning in 1515: whether to proceed with a particular or general reformation, one that sought retrenchment along the boundaries of the old colony, or one that was to encompass the entire island. More important to some, like Henry, was how either was to come about: whether through force and exclusion of the native Irish and English rebels, or through some form of conciliation and integration. In 1522, Henry remained committed to the latter, and Surrey's position in Ireland was no longer tenable.

With his recall in 1522, Wolsey's and the king's experiment had evidently failed for the time being, and magnate authority was grudgingly restored. Kildare power was strongly entrenched and made even more indelible through its reinforcement by cultural integration with the native

Irish septs. It was an important lesson to learn, and one that would take some years, and further experimentation, to come to terms with and finally eradicate.

Chapter 5 – Magnate Rule and Government by Indenture

Introduction

The problem of overmighty magnates, crown negligence, and rampant extortion in the Lordship of Ireland had been raised in the 1515 treatises of William Darcy and Patrick Finglas, addressed more comprehensively by the compiler of the 'State of Ireland', and brought to the attention of the crown at the Greenwich meeting that same year. By 1519, a dramatic change in the governance of the lordship had been considered. Some Palesmen were subsequently quick to recapitulate the complaints of 1515, offering further suggestions and remedies relating to an improved administration in Ireland, one that might flourish without Kildare, Butler, or Desmond as the crown's vice-regal representative. But magnate rule had a long pedigree, and Kildare in particular was well-positioned to rule, aligned as he was with powerful native Irish allies who, when he required it of them, could disrupt the functions of government, intimidate councillors, and compel fidelity to his cause at the expense of the crown. While this was a problem in itself, Henry's and Wolsey's growing inclination towards administrative centralisation aggravated the situation (at least as far as Kildare was concerned), one further exacerbated by ever more confident calls for reform from the Pale gentry and lesser lords.

For the purposes of drawing a clearer picture of the issues that came to bear in the lordship in the 1520s, this chapter will assess the influence of the great magnates, most notably Kildare and Butler, and the problems their power and relationship posed to the royal desire to bring magnate authority into line with sixteenth-century notions about noble responsibility within a broader conception of a Tudor commonweal. Secondly, it will present an analysis of a short policy paper, the 1522 'Articles to be showed unto the King's most noble Grace...', drawn up by Piers Butler for his predecessor, the Earl of Surrey, now once more back in England. The indentures between Kildare and Butler will also be explored in the context of the crown's efforts to maintain administrative stability at a time when its attentions were drawn to the continent. Finally, the single, lengthier extant treatise available for the early sixteenth century, 'A discourse of the cause of the evell state of Ireland', composed sometime between 1524 and 1528, will be subject to a

thorough analysis. This treatise illustrates the attitude and uneasiness of the Palesmen toward a return to magnate rule, and their suggested proposals mitigating magnate power.

Background

The late sixteenth-century chronicler, Richard Stanihurst (1547-1618), reported that friction between the Earl of Kildare and Piers Butler was renewed and intensified around 1518. While Kildare appeared initially supportive of Butler's claim to the earldom of Ormond after the death of the seventh earl in August 1515, there is evidence that he baulked long enough to cause a significant rupture between the two: Kildare made good on his pledges of support for Piers' claims by April 1516, but this was some eight months later, and the delay must have raised some doubts in Piers' mind about Kildare's commitment to their alliance. Kildare, for his part, may have been irked by Butler's refusal to pay arrears owed for the crown levy on land owned by absentee landlords like the recently deceased Earl of Ormond. And neither could have been entirely comfortable with Kildare's possession of lands in Kilkenny and Tipperary, in the heart of traditional Butler territory. It is evident that by the time Kildare appeared before the council in late 1519 the two had long fallen out.[1]

Over the course of the 1520s, without the support of many of the gentry and lesser lords of the Pale, and amidst the crown's wavering confidence in it, magnate authority, which had been entrenched since the latter half of the previous century, gradually loosened. In place of that long-established power-structure, the relationship between the crown and the Dublin council began to take centre-stage instead.[2] Caught between the two was the deputy. Surrey's lieutenancy had demonstrated that the lordship could be governed with a degree of effectiveness in the absence

[1] Stanihurst, 'The Chronicles of Ireland', *Holinshed's Chronicles*, 6, p. 278; Edwards, 'The Ormond Lordship in County Kilkenny, 1515-1642', pp. 133-5; Quinn, 'The Hegemony of the Earls of Kildare, 1494-1520', *NHI (1169-1534)*, vol. 2, pp. 659-60.

[2] Quinn suggests that it was the relationship between the crown and the deputy that became central, but it is asserted here rather that the position of the deputy became of secondary importance relative to the Dublin council. Evidence of this may be found in the replacement of the office of deputy by a 'secret council' of three in 1529 (Archbishop John Alen, Patrick Bermingham, and John Rawson), as well as the continuing practice by the London administration of appointing English members to the Dublin council, and, just a year later and for the foreseeable future, to the vice-regal office itself. Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 687; Moody, Martin and Byrne, *NHI: Maps, Genealogies, Lists*, vol. 9, p. 480. See also: Power, *European Frontier Elite*, p. 66.

of the Kildare earls. It is true that the crown's appointment of Butler as Surrey's successor seemed like a validation of magnate authority, but it was nevertheless a hesitant one that demonstrated a desire to continue along the path of administrative reform – at the very least in a direction that sought to dispense with the need to rely on Geraldine authority.[3]

The Deputyship of Piers Butler, 1522-24

Throughout Surrey's lieutenancy, if there was one Anglo-Irish magnate who could be counted on in the service of the crown, it was Piers Butler, claimant to the Ormond earldom. As early as 23 July, just two months after his arrival in Ireland, Surrey had complained bitterly of 'having the leest assistence of the Englishry that ever was seen.'[4] Yet he quickly absolved Butler of the criticism. At that time, Butler had come to Surrey with material aid and the support of his Anglo-Irish and native Irish allies and proceeded to do so on numerous occasions. Indeed, the lieutenant was ever at pains to remind the king to send him thanks, and Surrey's letters to Henry and Wolsey during the years of his lieutenancy are steadfast in their proclamations of Butler's usefulness.[5] Most importantly, they bear testament to his unwavering loyalty to the crown.

The crown's preoccupation with affairs on the continent precluded any more substantial alterations to the nature of the Dublin administration, and it was forced to resurrect the flawed but still viable model of 'aristocratic rule' it had relied upon time and again to maintain stability in Ireland.[6] With a growing number of native Englishmen occupying offices in Ireland, Henry and Wolsey could be reasonably hopeful that crown interest in reform might make some headway, however slight.[7] But if desires for more comprehensive reform were to be realistically

[3] In a letter of October 1521, Wolsey intimated that Henry, in addition to Ormond, had also floated the idea of appointing Walter Devereux (*c.* 1489-1558), Lord Ferrers, as deputy. But the cardinal did not think Ferrers was up to the task of governing the Irish 'in whome is moche crafte, and litle or noo faithe and trouthe.' It was thought that, 'though he be a goode and right active gentilman,' Ferrers would 'rather be ruled than rule.' In the same letter, Wolsey wrote that 'it were good policie to save such money, as is yerly imployed upon the defence of that lande, which cannot be, if ye make an Inglisheman your Lieutenant.' Wolsey's reasoning confirmed the reversion of policy to one that, under the earls of Kildare, had been acceptable, if not entirely successful from the viewpoint of the crown. *State Papers, Henry VIII, Parts I and II*, (London, 1830), vol. 1, Cap. 44, pp. 72-4.
[4] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 3.
[5] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 3, p. 35, Cap. 4, p. 39, Cap. 10, p. 49, Cap. 13, p. 58.
[6] The overriding concern by this time was over 'the mervelous grete charges that ye shall susteigne by entring the werres, according to the conventions made betwixt you and the Emperour.' *SP, Hen. VIII*, vol. 1, Cap. 44, pp. 72-4.
[7] Quinn, 'The Hegemony of the Earls of Kildare, 1494-1520', *NHI (1169-1534)*, vol. 2, p. 655.

entertained, the interim appointment of a deputy capable of wielding a measure of authority approaching Kildare's, without abusing it, was critical. Such a man ought to be capable of cultivating relations with native Irish septs in key areas who presented a threat to the Pale, defraying the costs of defence, and eventually opening up the opportunity of English recovery of its former colonial territories. At the same time, however – and evidently unlike Kildare – such a man ought also to remain as loyal to the crown as any English-born official.

At the time, Surrey, Wolsey, and Henry felt that Butler was their man. While each of the lordship's magnates possessed the requisite power to rule with some effectiveness, not all were equal in Wolsey's eyes: Desmond was tainted by colour of treason; there was little doubt about his unreliability;[8] and suspicions continued to surrounded Kildare who was still being held in London.[9] Ormond had proved himself loyal and useful to Surrey, and the king deferred to Wolsey's pragmatic recommendation for Butler to take the reigns of the lordship's administration, appointing him on 6 March 1522.

Butler's deputyship got off to an auspicious start. He had been heartily endorsed by Surrey; and his main rival, Kildare, was absent from the lordship, allaying the fears of those on both sides of the ethnic divide vocal in their opposition to the prospect of his return. The crown's faith in Butler was not without justification, but even he had his own misgivings: his concerns are briefly outlined in a short paper comprising some nine articles put forth at the beginning of his tenure as deputy in 1522.

'Articles to be showed unto the King's most noble Grace...' (March 1522)[10]

This short policy paper, taking up less than a page, and erroneously catalogued in the *Letters and Papers* for the year 1524, appears rather to have been composed late in March 1522.[11] It was drawn up by Piers Butler in his new capacity as deputy with a view to apprising Surrey, who

[8] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 13, p. 58, Cap. 22, p. 81.
[9] Kildare did not return to Ireland until January 1523. Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 669.
[10] 'Articles to be showed unto the King's most noble Grace... (March 1522)', *LP (1524-26)*, vol. 4, 1, Cap. 81, pp. 32.
[11] Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, n3, p. 669.

continued to take in interest in Irish affairs.[12] While different from the tenor of reform treatises generally, such policy papers are valuable insofar as they cast light on the problems and concerns of those in positions of power endorsed by the crown to effect change in the lordship. Unfortunately, their brevity, like many of the short letters found in the *State Papers* and *Letters and Papers*, means that they are understandably overlooked or employed by historians to lend brief credence to broader arguments. The 'Articles to be showed' are no exception. Quinn considers it an example illustrating the difficulties inherent in a Butler governorship.[13] Ellis confirms his assessment, regarding it only long enough to observe Butler's request – the last item of the paper – that Kildare be sent back to Ireland.[14] And briefer still, so too Lennon and Bradshaw, the former employing it in a similar fashion, and the latter only alluding to it, glossing over Butler's vice-regal tenure in a single paragraph.[15]

A more comprehensive consideration of the 'Articles to be showed' provides an opportunity to better understand the crown's decision to choose Butler as Surrey's successor. While his appointment represented a nominal return to magnate rule in the lordship, the observations and requests made by Butler in this policy paper suggest that his intentions were reasonably well aligned with the crown and Palesmen, and so offer some evidence of continuity in the evolution of the programme for reform in Ireland in the early 1520s. Unsurprisingly, an overriding theme of that programme was the need to find the means by which Kildare authority might be pried

[12] The fifth article in the policy paper called for ships to patrol the Irish Sea to prevent piracy and was within the remit of Surrey in his capacity as Lord Admiral. Butler's new commission superseded his interim appointment as Surrey's deputy. A definitive date for the paper is difficult to ascertain owing to certain inconsistencies of internal evidence. Butler, for example, complains that he will have no revenue until 'next Lady Day', or 25 March, yet his appointment as deputy is recorded as 26 March. He continues to lament, however, that those revenues will not be accessible until All Hallow tide, or *c*. late October, some five months before 'next Lady Day'. Quinn asserts that the paper was composed after 26 March, but the confusion described is most easily mitigated by adoption of the assumption that it was, rather, composed before Butler's official appointment on the 26 March, during his tenure as deputy to Surrey between December 1521 and March 1522. *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII (1524-26)* (London, 1864), vol. 4-1, Cap. 81, p. 32; Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 669; Moody, Martin and Byrne, *NHI: Maps, Genealogies, Lists*, vol. 9, p. 480.

[13] Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 669.

[14] Ellis, *Tudor Ireland*, p. 116.

[15] Lennon, *Incomplete Conquest*, p. 94; Bradshaw, *Constitutional Revolution*, p. 68.

from the apparatus of the lordship's administration. And that, in turn, was in no small degree dependent on Butler's ability to project an authority commensurate with Kildare's.

Surrey himself had expressed wariness on the matter to the king, recognising that he could not bring all the lordship to heel as he lacked 'the network of alliances that the earls of Kildare had cultivated through generations of experience.'[16] Butler's challenge, then, was two-fold: he had to demonstrate a more constant fidelity than the Geraldine governors had, hoping to secure some material gains from the crown; and he also needed to continue to develop and cultivate alliance networks of his own, seeking thereby some means of buttressing defensive weaknesses caused by chronic shortfalls in the revenues and the inability to maintain a regular force of soldiery.

In spite of the dangers inherent in further encouraging a magnate, the crown was nevertheless willing to support Butler. As Edwards observes, '[i]n London the crown did more than turn a blind eye to Piers Ruadh's growing strength; it actively supported him. In 1521/2, acting on the advice of Wolsey and the earl of Surrey, Henry VIII agreed to offer Piers the Irish lord deputyship.' But Edwards also intimates that Surrey's praise of Butler's martial strength – that 'Piers was "the man of most experience of feats of war of this country"' – meant exclusively that 'his capacity to raise soldiers remained his single greatest political asset.' He does not, however, acknowledge that Butler was just as valued for his loyalty.[17] Piers, the Earl of Surrey also attested to Wolsey, 'at all tymes shewith hym self toward, to doo the Kinges Grace thankful service, such as no man in this land dooth, and to me right great syde assistence.'[18] For the crown, as for Surrey – and distinguished from Kildare's tarnished 'assets' – Butler's ability to muster soldiers when needed

[16] Edwards, David, *The Ormond Lordship in County Kilkenny, 1515-1642: The Rise and Fall of Butler Feudal Power* (Dublin, 2003), p. 35. Perhaps notably, Henry's decision to keep him on as governor in that particular circumstance is suggestive of the king's willingness to conciliate.

[17] Edwards, *Ormond Lordship*, pp. 156-7.

[18] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 10, p. 49. Surrey makes clear the distinction between Piers' martial ability and his loyalty in the same letter cited by Edwards (of 3 November 1520). Surrey's remarks in their entirety are given here: 'Beseching your Grace to cause thankfull letters to bee sent from the Kinges Grace to the Erle of Ormond, aswele for his deligence shewed unto me, at all tymes, as also for that he shewith hym self ever, with his good advise and strenght, to bring the Kinges entended purpose to good effect. Undoubtidly he is not oonly a wyseman, and hath a true English hert, but also he is the man of moost experience of the feautes of warre of this cuntrey, of whome I have, at all tymes, the best counsail of any of this land.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 13, p. 57.

and his seemingly unwavering loyalty, were the twin attributes required for the deputyship in the context of the 1520s.

The ability to field soldiers when required by Surrey was one thing, but that ability needed to be coupled with a capacity to control and possibly supplant Kildare power. Throughout the 1520s, the crown was consistent in demonstrating its willingness to buttress Butler authority, even when he was not deputy.[19] In 1526, the king 'sanctioned Piers' request that he be allowed to impose coign and livery in his territories by force,' bypassing the commission of 1523. In 1528 – in addition to finally being granted official title to the earldom of Ossory – he was given leave to chip away at Irish holdings in Kilkenny, and Surrey (by then the Duke of Norfolk) ceded 'Piers a controlling interest in the Norfolk Irish inheritance in Carlow and Wexford, provided he could recover the lands from "Irish enemies".' Edwards suggests this was crown encouragement of Butler 'aggression', but it was no different than the methods the Kildare earls had employed to build their own affinities. In 1496, for example, Kildare was given scope to recover what land he could from the native Irish.[20] And ceding lands to local lords was a way to address long-standing concerns brought up in the reform discourse about absentees like Norfolk himself.[21]

South Leinster was a region that had been dominated by Kildare, including Roche's country and Ross in Wexford, Carlow, as well as footholds in the mountainous areas of north-east Kilkenny and Tipperary, traditional centres of Butler power.[22] Unsurprisingly, the crown's reservations with Kildare and promotion of Butler stoked an already simmering enmity between the two, and south Leinster was to be the main arena for its resolution.[23] While control of Anglo-Irish areas was important, some native Irish septs had the potential to shift the advantage to one camp or the other. Butler had spent the previous decade attempting to claw back control in Tipperary and Kilkenny, as well as in the midlands. There he had had some success establishing common ground with the O'Mores and O'Carrolls, long-time enemies of Kildare. But now, in the 1520s, he sought

[19] Edwards observes that even though Kildare was made deputy again in 1534, it did not 'signal a rebirth of Geraldine supremacy, for it was conceived as a temporary measure only.' Edwards, *Ormond Lordship*, p. 157.
[20] Quinn, 'The Hegemony of the Earls of Kildare, 1494-1520', *NHI (1169-1534)*, vol. 2, p. 646.
[21] Edwards, *Ormond Lordship*, p. 157. Also see Chapter 1 sections on 'Royal Authority and Magnate Power' and 'The Kildare Hegemony', pp. 47-57.
[22] Edwards, *Ormond Lordship*, pp. 149-50.
[23] Maginn, *'Civilizing' Gaelic Leinster*, p. 36-7.

to expand his influence among the McMurrough-Kavanaghs, O'Byrnes, and O'Tooles in south Leinster. The potent nature of the Geraldine-Butler divide is demonstrated in the consequent splitting of the native Irish families into one camp or the other.[24]

The 'Articles to be showed' begin with a with a complaint contrasting the weakness of the Pale with the growing strength of the native Irish, coupled with the usual request for more soldiers. 'Never since the conquest,' Butler opined, 'were there so many valiant captains among the Irish.' Demonstrating the martial aptitude of someone who understood the particular difficulties of battling kern and galloglass, he requested English spears and bows, shunning Surrey's previous insistence on horsemen. While not historically unusual, these preliminary complaints may have been a specific response to increasing raids by the O'Toole and O'Byrne septs on the southern borders of the Pale.[25]

The O'Toole and O'Byrne septs were a long-standing problem for the lordship. In the 1490s, the eighth Earl of Kildare had subdued the O'Tooles, south of Dublin, constructing a castle at Powerscourt, and permitting English to settle there, threatening the livelihood of the local Irish and firing further resentment. After the earl's death in 1513, perhaps sensing weakness, they began to make incursions into the Pale. The new, ninth earl, responded by capturing and beheading the O'Toole chief and making a public show of the grizzly prize. The O'Tooles mounted reprisals in the form of further raids into the Pale, and other O'Toole and O'Byrne septs soon showed themselves open to spurning their relationship with Kildare and began to cultivate a new one with the rising Butler power.[26]

In the context of 1522 a new reality had presented itself, one characterised by a Butler deputyship that held out to the Palesmen some hope of reform that would have been unheard of a decade earlier.[27] The native Irish remained key to the campaign to supplant Kildare authority, but not in the way Surrey had envisaged. Surrey had outlined a plan to Henry in 1521, seeking to

[24] Details of the genesis of the Butler and Kildare affinities in the context of the 1510s and 20s is given in: Edwards, *Ormond Lordship*, pp. 149-53.
[25] Maginn, *'Civilizing' Gaelic Leinster*, p. 34-5.
[26] Maginn, *'Civilizing' Gaelic Leinster*, pp. 28-30, 41.
[27] Maginn, *'Civilizing' Gaelic Leinster*, p. 36-7.

pit O'Donnell against O'Neill, demonstrating that a policy of fomenting further internal dissent amongst the native Irish was being considered and sanctioned at the highest levels of officialdom. For Butler however, emphasis would be placed on traditional affinities and alliances with the Irish septs.

While defence of the Pale was the primary concern, Butler had crucially also to deal with problems arising from the necessity of defending his own holdings in far-away Munster. According to Under-Treasurer, John Stile, in late March, three days after his swearing in as deputy, Butler rode south to meet with McMurrough and other native Irish of Leinster bordering his lands in Kilkenny. By establishing a relationship with the McMurrough-Kavanaghs, he could go some distance in protecting its eastern borders, while a meeting with Desmond, whose lands lay on its western flanks, was arranged for shortly after his parley with the McMurrough chief.[28] Such were the minimum requirements if any lasting security in the Pale and the broader lordship was to be expected.

Between the Pale and Butler's earldom of Ormond, however, lay County Kildare, where the rapacity of the great landholders in the Earl of Kildare's absence had revealed the dangers of internal dissent.[29] As early as Surrey's governorship, Stile had reported in July 1521 that the counties and liberties of Kildare and Wexford refused to pay the subsidy, complaining of the perceived threat from O'Connor and O'More and the need to look to their own defence. But Stile singled them out for their 'wilfull malice, and untrothe,' which, combined with the threat of native Irish incursions, had 'so distressed and troblyd' them 'that the said countie ys nere distroyed and wastid.'[30] Stile pointed out that the local landholders had been levying coyne and livery to meet the threat of native Irish incursions, but like many before him, regarded those extortions as more damaging than the raids themselves, and feared that the practice might again spread to the Pale itself.[31]

[28] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 32, p. 97.
[29] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 22, p. 78, Cap. 32, pp. 97-8; Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 669.
[30] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 22, p. 78.
[31] Stile confirmed as much in a letter to Wolsey of April 1522, implicating 'the jentelmen of same cownty, and theyre servantes' in levying coyne and livery. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 32, pp. 97-8.

With its interest fixed on continental affairs, the crown was willing to indulge an expansion of the Butler power-network to prevent the chaos caused by Kildare's absence from spreading. David Edwards notes that the long-term side-effect of this was an increase in the very sorts of exactions – like coyne and livery – that many reform-minded officials had complained of in the first place.[32] It was a frustrating sort of political paradox: the crown desperately needed a strong local force capable of defending the Pale and preserving the uncertain gains made by Surrey. In the current situation, it needed to equip Butler to meet those ends, nevertheless hoping to conserve some vestige of reformist inertia.

The second article of the policy paper acknowledged the appointment of officers to collect the revenues but complained that they could not be levied quickly enough to support the critical inaugural months of his deputyship. Where Surrey had been able to reluctantly fund his own campaigns early in his tenure, at the outset Butler declared that he 'cannot defend the land at his own expense.'

A critical component of this plan to assemble the means to defend both the Pale and Butler lands in Munster was expressed in the third article of the policy paper: Butler requested that his son, James, then in England, be permitted to return to Ireland to assist in the defence of Butler holdings should peace with either Desmond or the McMurrough-Kavanaghs falter.[33]

A further part of the solution, expressed in the fourth article, asked that Butler be permitted to grant offices in lieu of wages, perhaps hoping to dislodge those civil servants loyal to Kildare. He also specifically requested that the king refrain from granting offices, particularly to those who would treat their new positions as ceremonial, often failing to make the journey to, or remain in, Ireland. To ensure that such men had interest in Ireland sufficient enough to impel them to do their duty, the crown was once more asked to enforce the oft-ignored 1297 Statute of Absentees.[34]

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[32] Edwards, 'The Ormond Lordship in County Kilkenny, 1515-1642', p. 126.
[33] Surrey had made the same request to Wolsey in 1520. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 10, p. 49.
[34] Richardson and Sayles, *The Irish Parliament in the Middle Ages*, p. 82, and n58 on the same page. But *cf*. 'An Act concerning Absentees', made in the Irish parliament of 1447 (25 Henry VI), which made exceptions for some, weakening the original statute even further: 'if any liege-man or officer of our lord the King of his land of Ireland be

In article six Butler sought to fortify his authority as deputy. He first requested that a new patent for his deputyship be issued, as his current one 'is not so large as those of former deputies, which will encourage the rebels when they know it.' While it is not known if a new patent with extended powers was issued, just days after his assumption of the vice-regal office, a justice commission was established by Henry to establish order in the south consisting of five men to act as justices throughout Munster, including ecclesiastical land as well as other liberties.

The commission appears to have had broad but traditional powers.[35] Beyond the more predictable components of its mandate, it was charged with reinforcing the jurisdiction of the common law and countering ecclesiastical encroachments made thereupon. It was to enforce parliamentary and civic legislation from early in the previous century that prohibited the activities of unlicensed traders, later known as 'grey merchants', who exchanged goods, including arms, with the native Irish and Scottish. More generally, the mandate invoked the Statutes of Kilkenny, and other legislation made at Dublin, requiring the commissioners to ensure that laws were being duly regarded in the localities. The commission was also to see that all 'wardships, marriages, reliefs, escheats, lands, rents, forfeitures, etc.,' appertaining to the crown were assessed and delivered into its hands 'without delay'. Critically, the commission's authority was to be more independent than ones undertaken years earlier by the Earl of Kildare. Those commissions had 'subserved their judicial aspect...to enhance his authority outside the Pale.'[36] By contrast, the speed with which Butler activated the commission, and his absence from their progresses, suggests that he was dutifully placing judicial interests above his strictly personal authority.[37]

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out of his said land of Ireland by the commandment of our said lord the King, or his heirs, or of the lieutenants, their deputies, justices, or the council of the King in Ireland, That their lands, tenements, rents, benefices, or offices, or other possessions whatsoever by their said absence shall not be seized nor taken into the hands of our lord the King, or his heirs, nor their offices shall not be void.' Butler (ed.), *The Statutes at Large Passed in the Parliaments Held in Ireland (1310-1786)*, Cap. 9, p. 9.

[35] *COD (1509-47)*, vol. 4, Cap. 81, pp. 74-6; Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 669.

[36] Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, n2, p. 669.

[37] Yet it nevertheless included men known to be loyal to his interests, including his most devoted servant and that perennially outspoken critic of Kildare, Robert Cowley. The other members were: 'Roger Begg, Thomas fitzSymon, George Sherloke, [and] Nicholas Wycombe.' *COD (1509-47)*, vol. 4, Cap. 81, p. 74.

Complementing Butler's pleas for expanded authority, however, was a plaintive call in article seven for the king to 'see to the reformation of this poor land, being in great misery and captivity.' To that end, in the eighth article, he further requested that a parliament be called in June-July to pass several of those 'expedient Acts which were comprised in Surrey's commission,' only three of which had ultimately made it into law.

Finally, it is perhaps testimony to just how difficult Butler's position was that a further article was appended to the policy paper on a separate page, one made in spite of the falling out between Butler and Kildare in 1515. The article acknowledged Stile's concerns relating to the unruliness of Kildare's kinsmen in County Kildare and requested that the long-absent earl be permitted to return 'to arrange...disputes and reform his own lands.' His return would offer the benefit of a buffer to incursions that might be made into Butler lands from hostile native Irish septs to the east. More important, however, Kildare might finally encourage his tenants to make their due contributions to the revenues and cease sowing dissent. Kildare's presence, and his prestige as a former deputy, could also be expected to contribute a measure of security to those landholders of the Pale who feared the permeability of its borders to the native Irish. For Butler, the gambit was a necessary risk, given the crown's diverted attentions and reluctance to provide further troops or money for defence.[38]

While Henry's high-minded ideas of extending crown authority through conciliation had been abrogated, and he was forced by the prevailing political circumstances on the continent to exercise rule through an Anglo-Irish magnate, he nevertheless continued to exhibit a desire to pursue reform, even if it was as modest as reasserting judicial authority in areas of the lordship that had for some time been beyond its effective control.[39] The crown needed to show that it could minister justice in the localities, away from the Pale, without the direct intervention and

[38] But it was a risk that never paid off. Surrey had warned in 1520 of universal fears amongst English and Irish captains and chieftains that if Kildare returned 'this land was never in suche trouble, as it shall bee; for suche Irishmen, as have followed my mynde, and served me, wol loke to bee distroyed by him, and for feare thereof wol combynd theym soo to gydders, that they wol rather adventure to destroy all thEnglishery, then to bee distroyed theym silf.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 7, pp. 44-5.

[39] The following year, another commission, of narrower scope but constituted of the same individuals with the addition of two chief justices – Patrick Bermingham and Richard Delahide – was issued. *COD (1509-47)*, vol. 4, Cap 81, p. 75, Cap. 89, p. 79; Lennon, *Incomplete Conquest*, p. 38.

personal supervision of a powerful and ambitious magnate like Kildare. And in Piers Butler, his new deputy, Henry seems to have found a magnate willing to recognise the need for the appearance, if not the reality, of judicial independence.

Butler had proven his loyalty when Surrey was lieutenant and was now offering to prove his use by means of exerting his influence in regions well beyond the Pale. While hardly innovative in the reformist sense of a shift away from aristocratic rule, Butler could at least offer a new dimension to magnate authority, propping up the wavering confidence of the crown in a responsible, effective, and loyal iteration of magnate rule capable of extending the royal writ into regions well beyond the Pale borders.

Kildare Returns to Ireland

By the beginning of the new year, the fears of O'More – and likely other chiefs – had been realised: the Earl of Kildare landed in Ireland on 1 January 1523.[40] He wasted little time consolidating his position as the one magnate who could influence the network of allegiances amongst the native Irish. In his letters to Wolsey and the king between February and May, he sought the appointment of his own nominee as Bishop of Kildare. The bishopric was only worth 100 marks, but it was of such 'substance whereof lieth in the Irishry.' Its profits, therefore, 'will not be lightly had, but by temperall power.'[41] In Ireland, so seemed the argument, only he could provide an effective form of that sort of power.

In May he had already completed a campaign against O'More and O'Connor Faly. He had met up with his Ulster kinsman, Con O'Neill, to whom he was related through one of his daughters.[42] According to the *Annals of the Four Masters*, together with a contingent of Pale soldiers they moved 'with an immense army' against the Irish of the midlands, who quickly submitted and gave up their hostages in return for the repeal of charges levelled against them by the earl. It was

[40] Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 670.
[41] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 33, pp. 98-9.
[42] Con's mother was the daughter of the earl. *AFM*, p. 378.

around this time that another of Kildare's daughters, Mary, was married to O'Connor, adding a powerful ally to the list of his native Irish alliances.[43]

The earl's letters to the king suggest that the campaign had a still broader scope, extending into Ulster as well. In his letter of 24 May, Kildare offers that he journeyed to the region near Carrickfergus, near Belfast, to revenge himself on those Irish who had burnt his lands there and robbed 'certain [of] your subgietes of West Chester.' Taking the castle of Hugh O'Neill of Clandeboy at Belfast, and burning 24 miles of land in the area, as well as two Scottish fortifications, Kildare then came to Carrickfergus. There, he found that some of its officials, including the mayor, had been complicit in unlawfully buying and selling goods with traders from Scotland and Brittany, apparently evading due customs. At pains to illustrate his utility, yet without the crown's explicit consent, he pointed out that he 'toke the Maier of the same, and 3 of his bretherne, being of good substaunce after the rate there, which now I sent Your Grace.'[44]

Having presented himself as a magnate with influence well beyond the Pale, who could wield the temporal sword to induce Irish tenants to pay their tithes to the church, meet the challenges of negotiating with the midland Irish, as well as see to the financial interests of the king in Ulster, Kildare began his campaign against Butler.

Kildare had been newly wedded to the king's cousin, Elizabeth, daughter of Thomas Grey, second Marquis of Dorset (1477-1530) before his arrival in Ireland. He therefore possessed a powerful connection at court who could help to bring his words to the king's ear.[45] It was an important

[43] See above.
[44] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 34, pp. 99-100.
[45] The benefit of marrying into Dorset's family was to be short-lived. The escalating rivalry between Dorset and George, Baron Hastings in Leicester resulted in the exclusion of both families from county government, and, Wolsey intervening, appointed Dorset 'lord master of Princess Mary's council,' at which time he was accordingly 'sent off to Wales.' His disgrace, however, ended in 1528-9 when he was appointed constable of Warwick and Kenilworth Castles. Robert C. Braddock, 'Grey, Thomas, second marquess of Dorset (1477–1530)', *ODNB*, Accessed 5 Sept. 2017, http://www.oxforddnb.com/view/article/11561.

check on Butler's influence at court, whose son, James, was still in London and could press Henry in the Butler enterprise.[46]

Kildare, perhaps confident Dorset could help prosecute his case, felt he could afford to air his concerns regarding Butler to the king. While Kildare was on campaign (in the king's service, he was careful to point out out), Butler had 'in cruvell wise…burne the landes of diverse of my servauntes, your subgietes,' and destroyed three fortifications and two castles, which were then in service defending the lordship against the Irish. Acting on his own, ignoring the wishes of his council, Butler – still deputy – had colluded with O'Connor and his long-time Irish ally, O'Carroll, and others of the Irish, to the end of defending his claim to the earldom of Ormond. Kildare made plain the difficulty of his situation: not wanting to upset the king, he had refrained from himself making allegiance with the native Irish, implying nevertheless that this is what would be required to put a halt to Butler's outrages against both himself and the crown.[47]

Sure to leverage the goodwill of his father-in-law, Kildare enlisted the pen of his new wife to repeat the attack on Butler. A day after Kildare's letter, the countess wrote to Wolsey of Butler's anger at Kildare for refusing 'to endent to have tackyne part wyth hyme, ayenst theyrs of the late Erle of Ormond.' She reiterated Kildare's complaints: that Butler had attacked Kildare and his allies, maintained and allied himself with the Irish, and taken castles employed in the defence of the lordship. She echoed also his concerns about the efficacy of the Dublin council: Butler would not listen to them; but conversely the implication was that they were unable to make themselves heard by him. That Kildare thought to influence them suggests, too, that he may still have held sway over some amongst them.[48] Like Kildare before her, the object of his wife's letter appears to have been to make a plea to Wolsey and the crown to permit him to offer Butler a vigorous response.[49]

[46] Indeed, James was still in London in April 1525, when his father urged him to 'gette an especiall patent of the King, of all the prises in this land,' a privilege long held by the Butler family in Ireland. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 40, pp. 118-19.
[47] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 34, p. 100.
[48] Quinn, 'Reemergence of English Policy, 1520-34', *NHI (1169-1534)*, vol. 2, p. 670.
[49] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 35, pp. 101-2.

In a short time, and despite his long absence from Ireland, Kildare, upon his return, had demonstrated the enduring nature of his family's authority. He was able to leverage his familial connections with O'Neill to defend the Pale from the midland Irish, subduing O'More and O'Connor, at the same time forging a new alliance with the latter through marriage. He had intimated the impotence of the council and asserted the dangers to the crown and its subjects of a Butler-led deputyship. And through his wife, he offered a reminder to the king of their connection, one that extended from their childhood together at court, through Kildare's first marriage to another of the king's cousins, Elizabeth Zouche, and now to his second wife.

Debating Magnate Rule

In the short term, it is not known how the king reacted to Kildare's pleas. In 1522, at the outset of his commission, Butler had expressed the difficulties he expected to encounter. Perhaps somewhat surprisingly, appended to his list was a request that Kildare be returned to Ireland to look to his estates and mollify his affinities. Once returned the following year, Kildare ably demonstrated that he was well-positioned to return to the role of governor, and was able to do so, unlike Butler, without calling to the crown for more troops. Kildare, too, was better positioned than Butler to offer defence to the Pale – the only region that anyone could be sure was effectively under English control. Between Butler's reservations; Kildare's accusations against him, as well as his concerted campaign to mark himself as indispensable to the crown; and the need to ensure the integrity of the Pale, the king may have harboured second thoughts about his appointment of Butler.

The evidence for what the gentlemen and nobility of the Pale thought is sparse throughout the early half of the century; and it is a particular problem during this period.[50] But at that time, few, most notably the king, seemed comfortable with returning to the old mode of governance. Some of the gentlemen and lesser nobility of the Pale had complained of magnate rule since 1515. Almost a decade later, in spite of the ambiguous performances of Surrey and Butler, it appears that they were not prepared to concede much ground, if any. The evidence from the mid-1520s

[50] But see: Power, *European Frontier Elite*, pp. 66-7, and Chapter 2, p. 172, above.

comes to us mainly in the form of indentures, as well as the complaints Kildare and Butler made against each other. What seems clear from the indentures and recognisances made between the magnates, lords, and crown, which dominate the *State Papers* at this time, is that both the crown and the Palesmen were altogether uneasy about magnate rule.[51]

Even if Butler was thought by the Palesmen to be an acceptable alternative to Kildare, perhaps recognising that he had proven himself under Surrey as a leader who could be counted on in service of the crown, he still lacked a power-base strong enough to defend both his own lands and the Pale. And significantly, there remained the explosive issue of both Kildare's and Butler's growing affinities, which encouraged, and were encouraged by, the cultivation of closer cultural relations with the native Irish, a trend that some of the Palesmen, expressing as much in their treatises and letters, were generally – and increasingly – unified in opposing.

In spite of an atmosphere of concern and uncertainty, Kildare's campaign against Butler had perhaps further illustrated to Wolsey and the king the dysfunctional nature of the council: unable to manage Butler, it was even less likely to contain Kildare. And it may have been at this time that the need for its revitalisation entered into the minds of Henry and Wolsey as a *sine qua non* of reform in the lordship.

Indentures of Butler and Kildare

In the meantime, however, diffusing the hostility between Ireland's two great magnates became the priority. In October-November of 1523, a selection of councillors was instructed by the crown to formulate a settlement.[52] The earls were warned not to take coyne and livery unlawfully. As deputy, Butler was permitted to do so only as limited by a previous indenture with Surrey. And Kildare was permitted to levy the exaction in County Kildare, provided his tenants were

[51] A series of indentures and recognisances can be found in the *State Papers* at this time: *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 37, p. 104 to Cap. 39, p. 118. Although hardly indicative of the overall temperament of the gentry or lesser nobility, one significant provision in Kildare's indenture with the crown, upon once more being appointed deputy, was one intended to protect Piers Butler, Earl of Ossory; Richard Nugent, Baron Delvin, and William Darcy from Kildare wrath. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 39, p. 117.

[52] These comprised: Hugh Inge, Archbishop of Dublin, George Cromer, Archbishop of Armagh, Sir John Rawson, Treasurer and prior of St John of Jerusalem in Ireland, and Patrick Bermingham, chief justice of King's Bench. *COD (1509-47)*, vol. 4, Cap. 93, pp. 82-84.

amenable. Significantly, the arbiters also made an exception for Kildare in the event that his services were required in defence of the Pale; it was a service, moreover, for which he was to receive an annuity of £100. The deputy and members of the council were to be permitted to levy subsidy arrears – outstanding for over a decade – owed by Kildare's tenants in Kilkenny and Tipperary; and they were to be allowed to do so 'peaceably', without interference from Kildare or his supporters.

The earls were to reciprocate also on the matter of their respective Irish allies. Kildare was to deliver Sir Gerald McShane[53] to Butler for judgement in his capacity as deputy; he was then to be transferred to the courts of County Kildare to answer for his crimes against Kildare. Kildare was also to expel 'Conor O'Brenne' from one of his castles that lay on the frontier of Butler's lands. Butler was to do likewise, casting 'the King's Irish rebels or enemies of the Earl of Kildare out of all his fortresses adjoining the possessions of the said Earl.'

By mid-1524, it was clear that efforts to find common ground had failed. What went wrong is a matter of some speculation. Stanihurst asserts that Kildare's brother, James Fitzgerald, murdered a senior advisor of Butler, one Robert Talbot, in cold blood as he was making his way to meet the deputy around Christmas.[54] Kildare's wife, Elizabeth, suggested that her husband's failure to support Butler's claim to the Ormond earldom still rankled with the latter,[55] although, after ten

[53] The author of the 1532 'Causes of the mysordre' (see below, Chapter 7), paints one Gerald McShane as the 'principall and chief' of Kildare's 'privy council' and, in the context of the lordship, one of those responsible for its decay: 'he is preserved as the chief organ pipe of soche misteries.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 64, pp. 174-5. See also Thomas Fitzgerald's (the ninth earl's son) 1535 plea to then deputy, Leonard Grey, describing how 'Thomas Ewstas, and Gerald Gerott, Shane ys son' and others provided counsel 'by the which I was gowernyd att that tyme, and dyd nothyng, butt affter ther mynd.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 101, p. 273.

[54] Stanihurst, writing late in the sixteenth century, suggests that Butler was deposed in the midst of a spate of accusations between the earls. Consequently, Stanihurst continues, the commissioners, evidently unconvinced by Butlers protestations regarding Kildare, 'suddenlie tooke the sword from the earle of Ossorie, sware Kildare lord deputie, before whome Con Oneale bare the sword that daie.' Stanihurst, however, was writing in the late sixteenth century as a client of the Earl of Kildare; his account must therefore be regarded with some caution. There is no evidence suggesting anything but a standard exchange of vice-regal authority. Indeed, the crown's measured response is illustrated by the amicable terms of the indentures towards both earls. Stanihurst, 'The Chronicles of Ireland', *Holinshed's Chronicles*, vol. 6, p. 279-80. Quinn places more stock in the fact that the murder was perpetrated on the important road between Dublin and Kilkenny, emphasising the stranglehold Kildare had on the main avenue of transport and communications between Dublin and Munster. Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 671

[55] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 5, p. 101.

years and in the light of the earls' ongoing enmity, Butler would hardly have been surprised to find that Kildare's stance had not changed. Nevertheless, Elizabeth's letter testified to a deep-seated enmity – whatever its origin – that had festered for some time. Indeed, Butler had, in Kildare's four-year absence, been trying to extend his influence amongst the native Irish at the expense of Kildare's network of affinities. Now that Kildare had returned and was attempting to reassert control in traditional areas of Geraldine influence, the two were bound to come into conflict.

Short on options with the failure of arbitration, and in the face of ongoing and apparently endless conflict destabilising the lordship, the crown decided that Kildare would become deputy once more, with Butler as treasurer.[56] New indentures were drawn up in the wake of another commission sent by the king to address the 'longe season…[of] debate unkyndenes and varyaunce had betwixt the said Erles.'[57] This time the indentures were not an attempt to keep the peace so much as to clearly define the requirements and obligations of the new appointments, in short, seeking to dilute Kildare's power going forward.

Each agreed to forgive arrears on previous subsidies that had not been collected, likely owing to the intransigence of tenants loyal to one or other earl. In the indenture of the previous year, the earls had been instructed, on the occasion of disagreements, to defer to the judgement of members of the Dublin council. Now, once again, in the matter of disputes relating to their supporters, they were to defer to two independent arbiters; failing that, they were to defer to senior members of the council. On all other disputes, they were instructed to defer to the judgement of any two of the chancellor, chief justice, and chief baron. Finally, each was bound over on a recognisance of 1,000 marks.

As we have seen, differences between the earls could cause discord within and beyond the Pale, but the great landholders of the Pale and marches, too, required some reminder of the restraint

[56] As treasurer, he was *de facto* governor (as lord justice) should Kildare be deemed unable or unfit to fulfil his duties in that role. Jon G. Crawford, *Anglicizing the Government of Ireland: The Irish Privy Council and the Expansion of Tudor Rule, 1556-1578* (Dublin, 1993), p. 33.

[57] The commission comprised Sirs Antony Fitzherbert and Ralph Egerton, and James Denton, Dean of Lichfield, who arrived in Ireland in the middle of 1524. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 37, n1, p. 105.

expected in their dealing with their own tenants. They were gathered together on 12 July 1524 and obliged 'to enter into recognizances to maintain no more men than the deputy permitted, and then only at the times and rates laid down by him: they were also to aid the king's officials and keep the king's laws.'[58] The intensity of the problem is demonstrated by the wording of the indentures for both the Pale and marcher lords: the conditions of their recognizances required the respective landlords to control or make pecuniary amends for their 'sonnes, brethren, or servauntes' should the latter commit any theft, trespasses, extortions, riots, or oppressions within the Pale.

Increasing oversight was necessary as one moved further from Dublin; echoing regularly expressed concerns relating to absentee landlords, the march landowners were to require their tenants to 'be contynually resydauntes in the saide landes, for ther defence agaynste our saide Soveraigne Lorde the Kinges Irishe and Englyshe rebelles.' If tenants did not remain to defend their lands, the overlord might then impose or 'cesse men of warre, equally and indifferently…to be resident uppon the saide landes…as he doo uppon his owne propre landes,' at the standard rate set out in previous indentures.[59] If any overlord refused to remain or was unable to provide sufficient men for defence, earl or deputy might then cess men as well. But the cess was not to be imposed with the same abandon as coyne and livery had been: if the cause was urgent and more men were needed, the landlords of the Pale, the earls, or the deputy, were to seek the consent of those 'gentillmen, freholders, and inhabitauntes of the said countye,' and testify as much to the Dublin council.

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[58] Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 671; *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 38, pp. 108-11.

[59] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 38, p. 110. 'The "cess" or quartering of galloglass on a country was called the *buannacht* ("bonnaght")…This Irish practice of billeting galloglass upon the peasantry was later copied by English magnates of Ireland such as the de Burgh earls of Ulster in the fourteenth century and later by the earls of Ormond, Kildare, and Desmond a century later.' Emmett O'Byrne, 'Military Service, Gaelic', in *Medieval Ireland: An Encyclopedia*, (ed.) Seán Duffy (New York and London, 2005), pp. 333-5, p. 334. The cess was essentially an analogue of coyne and livery, and became gradually formalised from the 1530s as military requirements in the lordship increased. It consisted of taking up 'large quantities of wheat, oats, and other goods, levied at a fixed rate per ploughland and paid for at valuations well below market prices, for the use of the army.' The practice itself appeared to diversify: 'what had begun as an occasional levy for specific military purposes became a regular tax,' as well as a means to supply the deputies' entourage while it was on progress. It contributed to the alienation of the Palesmen and became a major obstacle to reform later in the century. S.J. Connolly, *Contested Island* (Oxford, 2009), p. 203.

An indenture of 10 June 1524 with Butler emphasised the importance of establishing a framework of justice outside the Pale. The earl was instructed to make certain that sheriffs, escheators, coroners, and other officers of the courts were appointed and provided for without the aid of native Irish exactions. He was, moreover, to ensure the independence of the officers, who were to be shielded from intimidation or coercion. If the earl met with resistance from 'any of his kynnesmen, or gentillmen of the countrey,' or if they sought to 'confeder with thErlle of Desmounde, the Brenes, or others,' he could expect the support of the men of the Pale.

A similar agreement was made with Kildare in a separate indenture of 4 August 1524. He too was to ensure the appointment of the requisite officers and see that the king's law was enforced in County Kildare. While he was also permitted to take coyne and livery in Counties Kildare and Carlow, as had been his father's right, he was, like the other landowners, only to do so with the majority consent of the inhabitants, or the consent of the Dublin council. One significant difference, however, was that the indenture also lay singular emphasis on the consequences, should he, his kinsmen, or his servants violate the king's laws. Doubtless there would be consequences for Butler if any of his faction violated the terms of his indenture with the king, but the crown's attitude towards Kildare appears to have been somewhat more cautious.[60]

On the same day, the conditions of Kildare's deputyship were laid out in more uncompromising – even admonishing – terms. He was not to make peace unilaterally with any of the king's enemies but was to consult the council who would make a decision based on a majority of their members. Previous terms relating to the taking of coyne and livery were reinforced, particularly as they pertained to the Pale; these included limits on the number of 'horseboys' or attendants each horseman was permitted.[61] So-called 'blakmen', or payment that was taken for coyne and livery for men who were not present, were also prohibited. The billeting of men was to be done with regard for the damage that had been done in the past, the parties to spend no longer than a night in one location, and to move beyond nine or ten miles the next night. Apart from major

[60] This is a point of significant difference from the indenture with Butler.
[61] The numbers of attendants inflated the ranks of soldiery, and so too the deleterious effects the entire host had on the territory in which it was billeted. It was a problem that continued to be complained of. See, for example: 'A discourse of the cause of the evell state of Ireland and of the remedies thereof (1524-8)', BL Lansdowne MS 159, fos. 4r-18r, f. 14r.

hostings, other journeys undertaken by the deputy outside the Pale were to be limited to 'a small company, as he may convenyently [take] for the saufgard of his persone.' Kildare was, moreover, to refrain from acting as independently in his office as he had been accustomed: he was no longer to grant pardons without consulting and gaining the assent of a majority of the council;[62] he was no longer to make grants of the king's manors without the proper letters patent; and he was not to purchase property that was the subject of ongoing dispute between any of the king's subjects in Ireland for himself.[63]

That the crown had its doubts about Kildare's ability to marshal the support of the Pale, and govern the lordship with an impartial hand, was made most apparent in the indenture by the addition of a section where it ordered the earl either 'procure, styrre, nor mayntaigne any warre ayenst thErle of Ormond, nor the Baron of Delwyn, nor Sir William Darcy, nor ayenst their sonnes, nor servauntes; ne revenge eny quarrell for hym, or for any other man, ayenst theym.' Butler, moreover, was to receive from the earl the rents, revenues, and proftis owed to him from the king's Irish holdings from the time that he was deputy to the present, as well as one half of the subsidy that was due a year from the next Feast of St Michael's.[64]

The chastening nature of the indentures with Kildare at this time are markedly different from the more trusting character of those recently made with Butler. They are suggestive of the continuing erosion of Henry and Kildare's relationship, in spite of their association as children, and despite the courtly and familial connections Kildare had cultivated with Henry through his first and second wives. The restrictions on the matter of coyne and livery, considered in some depth in the indentures, make plain that the practice had been terribly abused in the past, and place a good part of the responsibility for that at the feet of Kildare. No simple appeal to his obedient nature was expected to yield results any different than those that had emerged in the wake of his return to Ireland after his examination at Greenwich in 1515.

[62] This is a recurring stipulation. Indeed, the indenture goes on to reaffirm that appointments to the courts, too, were to be made 'by the advise of the Kinges Counsaill, or the Kinges Justices, or Barons of his said Courtes, or the more parte of theym.'
[63] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap 39, p. 116.
[64] Or a year from 29 September 1524. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, pp. 117-18.

Magnate authority, as economical and opportune as it was for the crown at this moment, was clearly no longer a long-term option. A Butler-led lordship would have been preferable, at least until Henry and Wolsey could turn their attentions more fully to the problem of governance in Ireland, but even Butler had had doubts in his own ability to govern the Pale and the periphery at the same time. Accordingly, the crown shifted its expectations for loyalty and its hope for more accountable government onto the men of the Dublin council.

'A discourse of the cause of the evell state of Ireland' (1524-8)[65]

There is little evidence of what the attitude of the gentry and lesser lords of the Pale towards reform was during the period between 1524-28. Some suggestion, however, is offered in an anonymous treatise entitled 'A discourse of the cause of the evell state of Ireland and of the remedies therof'.

Given that a relatively detailed synopsis is available in the *Letters and Papers*, surprisingly little has been written about the document.[66] D.G. White's summary of the treatise is a valuable distillation and establishes its likely authorship. Yet, while providing some brief consideration of its effects on crown policy, White implies that it was composed late in the decade, shortly before Wolsey's downfall in 1529. The broad window of its dating, sometime between 1524-28, suggests that it ought, rather, to be considered in that earlier context, as well as within the – by this time well-established – idiom of a general and particular reformation.[67] Bradshaw curiously used the document's title as a header to Part 1 in his *Irish Constitutional Revolution*, but it is not actually referenced until late in the section, and then only on some minor points twice more throughout the book. One of his more contentious points asserts that the author, an Anglo-Irishman, like other reform-minded men of the lordship, was not attacking 'Gaelic culture or society, but Gaelic dynasticism, a political system that was incompatible with the form of centralised government to which the Pale reformers were totally committed.' More succinctly, he says that 'the priorities of the reformers reveal comparative indifference to the purely cultural forms of

[65] 'A discourse of the cause', BL Lansdowne MS 159; 'A discourse of the cause', *LP*, vol. 4-2, Cap. 2405.
[66] During the final preparation of this thesis for submission, Heffernan's article and full transcription of the document became available:
[67] White, 'The Tudor Plantations in Ireland Before 1571', pp. 49-53.

Gaelicisation…The attitude of these practical politicians towards Gaelic culture was tolerant.' Such a claim is a broad one that homogenises the various dispositions of reformist authors in service of Bradshaw's overall argument for an Anglo-Irish reforming milieu. It is a manifestly unsupportable one when applied to the majority of the treatises available for the early century, and certainly in consideration of the one examined here. Ultimately, Bradshaw did not offer a comprehensive consideration of the treatise.[68] More recent consideration of the treatise has regarded it as 'a political broadside against Kildare'.[69] But this is not borne out by the statements of its author, who evidently had as little regard for magnate-rule by either earl as he had for the aspirations of the native Irish.

While conceptualising reform within a similar framework as the 'State of Ireland' – that of a 'particular' and a 'general' reformation[70] – the treatise nevertheless advocates a strikingly different, much more pragmatic – even cynical – approach to dealing with the problem of Ireland. Comprised of some eighteen folios, this work stands as one of the most extensive treatises in the reform literature of the early Tudor period in Ireland. Previous speculation about authorship centred around one Thomas Bathe, a merchant of Drogheda and a man well-known to the Earl of Surrey. In 1528, the Earl, now Duke of Norfolk, described Bathe as 'a jantleman of gode blode...[who] doth more love the welth of that londe, than any of the parties of the Garentyns or Butlers, and hath done more to cause Onele conteyne fro war, then any man of that londe, to his right gret charges.'[71] Around the same time, Robert Cowley, now a servant of Butler, criticised one 'Bathe' for his uninformed presumption in presenting to the king a book[72] whose effect, in

[68] *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII (1526-28)* (London, 1864), vol. 4-2, Cap. 2405, pp. 1075-9; Bradshaw, *Constitutional Revolution*, pp. 42, 46, 74, and 133.

[69] Fitzsimons, 'Wolsey, the Native Affinities', *Regions and Rulers in Ireland, 1100-1650*, p. 85; Heffernan, 'Cowley's 'A discourse'', p. 5.

[70] Bradshaw points out that the 1515 reform authors, Darcy and Finglas, were working in a conservative framework concerned with 'particular reformation', as distinguished from the 'State of Ireland' with its broader focus. But the term itself appears to be used for the first time here in 'A discourse'. Bradshaw, *Constitutional Revolution*, pp. 33-4; 'A discourse of the cause', BL Lansdowne MS 159, f. 5v.

[71] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 51, p. 135.

[72] Robert Cowley references a book by Bathe in his letter to Wolsey. White assumed that Cowley was 'somewhat mistaken as to its contents', given that 'A discourse' does not match up entirely with Cowley's description. But it may be that White was simply making the wrong assumption. Indeed, it may simply be that Cowley was, in fact, describing a treatise, composed by Bathe, but entirely different from the one we have in 'A discourse'. White, 'The Tudor Plantations in Ireland Before 1571', p. 49. A 'William Bath of Dollardstown' who 'served as undertreasurer in

his opinion, was 'but to dryve the Kynge to the extremytie to sende home my Lord of Kildare with auctoritie, to accomplishe his inordynat affeccion to my Lord of Kildare.'[73] Both Cowley and Bathe seem to have held strong but – significantly for the question of authorship – opposing views as to how the crown should proceed with administration in the lordship. Yet strangely, both men have been cited as potential authors of 'A discourse'.

Authorship and Dating

It was D.G. White in 1967 who put forward Thomas Bathe as the probable author of the treatise. He based his assumption partly on a comparison of the handwriting of 'A discourse' to a later manuscript,[74] but the most compelling internal evidence is perhaps offered by way of a remark made by Norfolk in the letter to Wolsey just mentioned. In that letter, Norfolk urged the cardinal to heed well some information Bathe had recently advanced to him. According to Bathe, English marchers, desperate to protect their holdings, had conspired with and permitted Irish raiders to pass through their territories so the latter could have unfettered access to the rich lands of the Pale. In return, the Irish would leave the marchers unscathed, their cattle and crops intact.[75] This view is mirrored in 'A discourse', the author describing how many of the march landholders would marry into native Irish families, forging alliances of kinship, and, in exchange for peace, permit the latter to pass through their lands to make lucrative raids on the Pale.[76] While certainly not definitive, Surrey's description of the practice, and his attribution of the observation of that practice to Thomas Bathe – the very bearer of the letter – offers a degree of corroboration

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the Dublin administration, 1532-34…was executed for his role in the Kildare rebellion.' Ellis, *Defending English Ground*, p. 95.

[73] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 53, p. 142.

[74] White's argument in favour of Bathe was also based on the resemblance the author's handwriting bore to a 1565 letter composed by one Thomas Bathe to William Cecil. But that letter was some 40 years in the future, and, unless Bathe was a particularly long-lived man – recognising that it is certainly not impossible – it does seem unlikely. The similarity in handwriting appears not to have been entirely convincing to White either, who suggests Bathe's authorship only as a 'probability'. Indeed, if the 1565 letter was also written in secretary-hand, as the treatise of the 1520s was, the tendency of that style to semblable lettering would go some distance in explaining many of the similarities in handwriting. White, 'The Tudor Plantations in Ireland Before 1571', p. 49, and n45 on the same page.

[75] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 51, p. 135.

[76] 'A discourse of the cause', BL Lansdowne MS 159, f. 8r.

bolstering White's claim for Bathe's authorship of 'A discourse'. Until relatively recently, most scholars have adopted White's assumptions regarding authorship.[77]

More recent speculation has pointed to Robert Cowley as its author, although the question is far from being definitively answered. Most recently, David Heffernan has provided a full transcription of the treatise. His main thrust is to attribute the treatise to Cowley, although he does not consider the evidence provided by his will.[78] Like Fitzsimons, he also describes it as a 'pro-Butler' broadside; and highlights the overall significance of the treatise as a predecessor of those compositions of the 1530s which sought 'the reduction of the lordships of south Leinster,' solidifying the notion that Cowley ultimately subscribed to particular reformation, and 'became a prime mover in the lobby to have a more aggressive strategy of regional conquest adopted' by the crown. Both the contentions of authorship of the treatise, and the fundamental ideological motives of Cowley are challenged here and in the later chapters of this thesis.[79]

Fiona Fitzsimons appears to have been the first to put forward Robert Cowley as author of 'A discourse', regarding it specifically as a 'political broadside against Kildare, delivered from within the Butler camp, directly to the English crown,' adding that 'there is strong circumstantial evidence that the author of the "Discourse" was in fact Robert Cowley, Piers Butler's adviser and attorney.' She bases her conclusion on a 'comparison, on the basis of idiom and linguistics...with another contemporaneous document, the 1525 "Articles alleged by the Earl of Ormond against

[77] Brady, *Chief Governors*, p. 249.

[78] For which, see below, pp. 205-6.

[79] Heffernan, 'Reduction of Leinster', p. 4, and Heffernan, 'Cowley's 'A discourse'', pp. 5, 8-10. Heffernan's article on Cowley's discourse was not available until very recently. Notably, he interprets it as including a plan for both particular and general reformation, whereas – owing to Cowley's stress on the plenary nature of the original conquest and subsequent claims to title – I regard him at this period (*c*. 1524-8) as an advocate of an ideologically pure form of general reformation, but one that suggested using the more violent means – underwritten by clear notions of cultural superiority – more regularly associated with proposals for particular reformation. Heffernan also suggests that '[w]here Cowley diverged from his contemporaries was in identifying the civil wars of England during the fifteenth-century as critical in the decline of English power in Ireland.' It should be noted, however, that Darcy attributed the lordship's decline as well to that period, more particularly when the Earl of Desmond was active as deputy, and beyond. Heffernan, 'Cowley's 'A discourse'', pp. 7-8. For Desmond, see above, Chapter 2 section entitled 'Darcy's Treatise', p. 75.

the earl of Kildare",' which, she says, 'almost certainly indicates a common author.' Subsequently, as we have seen, David Heffernan also named Cowley as the likely author.[80]

Yet there is important evidence that argues against Cowley as its author. A comparison of the handwriting of 'A discourse' with that comprising 'The Device of Robert Cowley' of 1538 – assuming that both are in Cowley's hand – reveals significant differences.[81] But the clearest internal evidence that Cowley is unlikely to be the author comes in the initial folios of the treatise. There, the author confesses his limited knowledge of Ireland, asserting that he has composed his treatise out of 'good zele…[n]ot p[re]sumeynge to have somyche experyence or knowlegd[e] therof as certeyne others.' He continues, casting aspersions, however, on others,

> Doubtynge that [somme] whiche have good experynce and powre to adv[au]nce the said reformac[i]on wolde discorage the kynge in his p[ro]cedynge therunto...Feareinge that suche A reformac[i]on shuld be theire p[ar]ticler proudnes as in losynge theire high awctorytes and grete p[ro]ffitt[es] and [purchaus] serteyne land[es] wherunto they have sklender title myghte be in [jeorp[ar]die] of tryall of the Lawe.[82]

Tellingly, however, he reveals that he stands 'upon no possibilite of such p[re]uidice,' intimating that he has neither land nor office nor obligation to any interested benefactor to influence his account.

The Will of Robert Cowley, however, suggests that he does not fit this profile. Cowley there reveals that, unlike the author of 'A discourse', he had established deep roots in Ireland. While offering a challenge to the commentary of one chronicler,[83] his will offers no concrete evidence that he was a native to Ireland, but it does support the notion that he had at the very least been resident there for some time. Certainly he had been resident since before 1513, when he was

[80] Fitzsimons, 'Wolsey, the Native Affinities', *Regions and Rulers in Ireland, 1100-1650*, p. 85, and n2 on the same page.
[81] The formation of the upper-case 'T' at the beginning of discrete sections; a comparison of the downward stroke on the letter 'g' as it appears in the words 'grete' and 'great'; and the structure of mid-word letters 'h' are just some examples where differences in the script may be found. 'A discourse of the cause', BL Lansdowne MS 159, f. 5; 'The device of Robert Cowley (Aug. 1538)', TNA SP 60/7, fos. 132r-136v, f. 133r.
[82] 'A discourse of the cause', BL Lansdowne MS 159, f. 5r.
[83] The compiler of the *Book of Howth*, recalling Cowley's dismissal from the eighth Earl of Kildare's baronial council, describes him as 'Master Coulle, born in England.' *CCM: Book of Howth*, vol. 6, p. 192.

dismissed from the baronial council on the accession of the ninth Earl of Kildare. But he also had ties to Kildare predating his dismissal, quite possibly extending back to 1502.[84] Moreover, he had been around long enough to have acquired land and cattle, probably in a town called Oughterard.[85] In the will, drawn up in 1546, the same year as his death, he acknowledges his wife, Anne, and a son, Nicholas, who are known in relation to Robert from other sources.[86] Significantly, to Anne he bequeathed 'my two ferm[es] in Irelonde that is to say of [ootterathe] and galwaye for terme of her naturall liff And after her deceas I gave the remaynder of the saide Fermes to nycholas cowley my sonne.'[87] The assertions made by the author of 'A discourse' regarding the limitations of his experience in Ireland need to receive due consideration. If we accept his intimation that he has few interests in Ireland, and given that Cowley manifestly did have long-standing interests, the possibility that the treatise was composed by Cowley diminishes greatly.

Opinions about the document's authorship that lean heavily on notions of factional affinity are somewhat misguided. If it is regarded as a pro-Butler tract, as Fitzsimons supposes, that would support Cowley as author. But as White rightly observes, the treatise is 'neither pro-Geraldine nor pro-Butler'.[88] This too argues against Cowley, whose pro-Butler disposition shines through in the vast majority of his abundant correspondence at nearly every opportunity. Indeed, instead

[84] See, for example: Ball, *The Judges in Ireland, 1221-1921*, p. 203; John G.A. Prim, 'Some Notice of the Family of Cowley of Kilkenny', *Transactions of the Kilkenny Archaeological Society*, 2, 1 (1852), pp. 102-14, pp. 103-4.
[85] Noted as 'ooterathe' in Cowley's will. There is an Oughterard near the Liffey between Dublin and Rathangan, in addition to the one near Galway. There is also an 'Oughteragh' just north of Ballinamore, itself some 50km southeast of the town of present-day Sligo. '-ard', '-rath', and '-ragh' all appear to refer to a fort or a high place. There is also a mention of an Oughteragh, possibly somewhere near Lismore in Waterford. *Fasti Ecclesiae Hibernicae: The Succession of the Prelates and Members of the Cathedral Bodies in Ireland* (Dublin, 1848), vol. 1, p. 206. Butler also mentions an 'Oghterarde' in a letter to his son from 1525 (mis-dated to 1524), which he indicates is in the '3 obedyent sheres.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 40, p. 119.
[86] What had likely been Robert's greatest asset, the dissolved priory of Holmpatrick, leased under the auspices of Cromwell in 1537, had been taken away at the time his fall. Roger Bigelow Merriman, *Life and Letters of Thomas Cromwell* (Oxford, 1902), vol. 2, Cap. 198, p. 68; *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII (1537)* (London, 1864), vol. 12-2, Cap. 414, p. 169; *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII (1540-41)* (London, 1864), 16, Cap. 1267, p. 590; Brendan Bradshaw, *The Dissolution of the Religious Orders in Ireland Under Henry VIII* (Cambridge, 1974), p. 201. But his wife, Anne, nevertheless successfully sued John Parker, Constable of Dublin Castle, for the right of fee-farm. By way of settlement, Parker was to pay 100 marks for Anne to relinquish her claim. Morrin (ed.), *Calendar of the Patent and Close Rolls of Chancery in Ireland (1514-1575)*, Cap. 44, m2, p. 345.
[87] 'The Will of Robert Cowley (17 Aug. 1546)', TNA PROB 11/31/257.
[88] White, 'The Tudor Plantations in Ireland Before 1571', p. 49.

of supporting Butler or Geraldine, the author sought, rather, in one of his proposals, to install an English deputy; a position that, in a few years, was permanently adopted by the crown. For this reason, until further evidence can be produced, it would seem appropriate to tentatively accept White's assertions that Bathe was more likely the author.[89]

The treatise's dating, too, remains somewhat uncertain; the editor of the *Letters and Papers*, where a partial transcription may be found,[90] has catalogued it under the year 1526, although there is no reason it could not have been composed a few years earlier or later. What is clear from the internal evidence, based upon references to Kildare as the present deputy, is that it was composed sometime between 1524 and 1528, when he replaced Butler in that office.

The Treatise

The author describes his composition as consisting of three parts: the first describes the circumstances of the lordship's decline; the second proposes remedies for that decline; and the third offers suggestions relating to the enhancement of crown revenues. The latter, however, does not exist as a discrete section, rather, it is integrated into the whole.

Decline of the lordship

Much like previous treatises, the present one gives ample treatment to the causes of English contraction in the lordship. The author addresses the circumstances of the lordship's decline, how this led to the increasing incursions of the native Irish into what were formerly the territories of the original English conquerors, and the consequent decrease and retrenchment of the Anglo-Irish into the so-called 'four obedient shires' and other pockets of English control.[91] Unlike

[89] White, 'The Tudor Plantations in Ireland Before 1571', p. 49.
[90] *LP (1526-8)*, vol. 4-2, Cap. 2405, pp. 1075-79.
[91] More specifically, he discusses: the crown's negligence; the problem of absentee lords; the adoption of Irish laws, customs, and language; and the proclivity for the present crop of Dublin councillors to remain in the Pale and misinform the king as to the state of the lordship. The latter is important as, on the one hand, it represents an argument against investing the council with increased authority (as the Crown appears to have done in the lead-up to the 'secret council' of 1529-30; but, on the other hand, it may represent a Pale gentry and lesser noble-driven thrust seeking an invigoration of the council, one that would culminate in the appointment of Englishmen (who would go on to become the first so-called 'New English') like the two John Alens, William Brabazon, and numerous others. The 'New English' benefitted greatly from the dissolution of the Irish monasteries, allowing them to entrench themselves on the council and push their agenda of re-conquest.

previous considerations on the subject, however, which trace English contraction in the lordship to the fourteenth century, the root of English decline in Ireland is here regarded to have begun primarily in the fifteenth century with the Wars of the Roses. The author describes how

> Therle of Kyldare and therle of Desmonde be [founded] owte of one stocke and callyd the Garaldyns who hathe kepte one bande, and of the sorte or p[ar]tie of the house of yorke always holdynge that bande…[while the] Butlers have alwais bene of the secte and bande of the house of Lancaster And for the same, therle of Ormonde in kynge Edward the iiijth is days was [scratched out: attaynyd] attayntyd and loste therldom of wylsheire.

The civil disputes of the previous century are viewed as having preoccupied the attentions of the crown, so much so, that the matter of the lordship had been set to one side. Division was manifest in Ireland as well. Discord was evident between the great houses of Kildare, Desmond, and Ormond, the Geraldines supporting the Duke of York, and later, Edward IV; the latter backing Henry VI and subsequent Lancastrian claimants. According to the author, things had since settled down, but not before further disruption caused by Geraldine support for the pretenders Simnel and Warbeck.[92]

Subject to administrative neglect and dynastic war, it was not surprising, then, that a great deal of crown land, as well as the earldom of Ulster,[93] had been encroached upon by opportunistic native Irish and English rebels. Irish settlement in the marches was the consequence of ongoing discord in the fifteenth century, and, for the author, represented a second cause of the lordship's decay. It had, he explains, been facilitated by the movement of the great march landholders to the safety of the Pale where they keep 'lytle ordynarie houses as [if] they were in A lande of

[92] 'A discourse of the cause', BL Lansdowne MS 159, f. 5v-6r.

[93] The author relays in an aside that the earldom was worth some 30,000 marks annually – an oft reported figure in the treatises of this time. See, for example: 'A discourse of the cause', BL Lansdowne MS 159, f. 5v, or 'A discourse of the cause', *LP*, vol. 4, 2, Cap. 2405, p. 1075; 'A complete resume of the state of Ireland (*c.* 1532)', TNA SP 60/6, fos. 117r-122v, f. 117r. The number continues to crop up later in the century in the papers of Elizabeth's principal secretary, Francis Walsingham, for which see: Anthony Tuck, 'Anglo-Irish Relations, 1382-1393', *Proceedings of the Royal Irish Academy. Section C: Archaeology, Celtic Studies, History, Linguistics, Literature*, 69 (1970), pp. 15-31, p. 18. The 'State of Ireland' leverages the number as well, but perhaps more practically suggests that 30,000 marks represented the potential revenues to be harnessed if English control were to extend uniformly from Ulster down the entire east coast to Ross and Wexford. *'State of Ireland', SP*, vol. 2, 3, Cap. 1, p. 25.

peace,'[94] or into England, regarding more 'theire eases and pleasores' rather than the defence of their Irish holdings.

The author reserves his most in-depth criticism for the third cause of the lordship's decline: the issue of cultural purity, particularly with respect to legal customs. English law, he laments, was increasingly scarce owing to the adoption by the great magnates of Irish brehon law which is a 'playne exile and subverc[i]on of the kyng[es] lawes.' Those magnates 'delyte more to speke Iryshe then englyshe,' and accordingly set a precedent for the commons to do the same. In County Kildare, he continues, the process of cultural adoption had been carried to extremes, where scarce 'may be hard one worde of englishe spoken…for the more parte also of Iryshe habite and…tonsuris above the eris w[i]th over lyppis and Iryshe garna[mau]nt[es] so that no…[diversity] ys betwext them.'[95]

In Kildare, too, unruliness has been sown by the negligence of the earl himself. He, the author claims, is the only one who can put an end to Irish practices, yet does not. The reason for this, he continues, is that he 'wolde not that his kynsysmen and servant[es] shulde have to soore a yoke of the kyng[es] Lawe in there neck[es], wherbie they shulde lose theire p[re]sch[r]ipc[i]on of awncient customes.' There is, then, a reciprocal relationship between the earl and his supporters, one in which he protects them from the rigours of English law, and they cause discord when the earl is not pleased with the crown. The latter then become like '[r]avishinge wolfes…that all the contre is in A sysme,' and it is contrived that only the earl himself, when granted back the office of deputy, can 'charm and reduce' them to 'the state of lambes.' Such circumstances had lately been seen during the lieutenancy of the Earl of Surrey when Kildare's kinsman O'Neill rose up, and later when Butler was deputy.[96]

[94] 'A discourse of the cause', BL Lansdowne MS 159, f. 8r.
[95] 'A discourse of the cause', BL Lansdowne MS 159, f. 6v.
[96] By 'sysme' the author is presumably referring to a 'schism' in the sense of a general discord, or perhaps more particularly in the sense of a sudden attack of disease (as of the body). The reference to Butler's time as deputy and Kildare's resumption of the office dates the treatise to no earlier than August of 1524. 'A discourse of the cause', BL Lansdowne MS 159, fos. 7r-7v.

But Butler himself is singled-out as well for tolerating such 'malefactors to be bolde' in his own lands.[97] Owing to the distance of Kilkenny from the Pale, and the inability of the deputy to provide assistance, he can extract little profit, and provides little defence. Rather, he '[s]chiftithe and p[ro]vidithe onlye for hym self and suche as speciallie apperteyne to hym.'[98]

More important than Irish incursions in former areas of the colony, then, are the repercussions of permitting Irish customs – language, habit, and laws – to flourish in those few regions still nominally under English control. The permissiveness of the great magnates, combined with the absentee habits of many marcher landowners, has opened the door to Irish re-settlement in those regions.

The marches of the Pale have therefore become a *de facto* border – and a permeable one at that – around the Pale. The king's writ can function no further than the defensible, more densely populated English areas immediately around Dublin. Those Anglo-Irish landowners outside the Pale, in places like Carrickfergus, Galway, Kilkenny, Wexford, and Waterford, among others, because of their distance from the Pale as well as the dangers inherent in traversing native Irish territories, must necessarily find it difficult, if not impossible, to attend the king's courts in Dublin. Similarly, they receive no succour from itinerant commissions, or from the deputy and his officers.[99] So it is that they too must 'inclyne unto Iryshe lawes,' leading them to adopt other Irish customs, including language, dress, and manners of grooming, as well as an inclination to incivility and war. Even the lands of both great magnates, Ormond and Kildare, 'have theire Iryshe Iudges to the subversion and extingwysheinge of the king[es] lawes.'[100]

The tenants of the marches were also placed in a precarious position. Without the defensive capabilities of their wealthier, more powerful lords and neighbours, they became prey to native Irish raids. Finding themselves so vulnerable, they were forced to make deals with the Irish,

[97] This argues significantly *against* Robert Cowley as a possible author.
[98] 'A discourse of the cause', BL Lansdowne MS 159, f. 8v.
[99] This suggests that either the justice commissions called for by Butler at the beginning of his deputyship, and discussed earlier, were never actually undertaken, or that the treatise was written at a significant enough temporal remove to warrant these sorts of complaints.
[100] It is important to again note that Butler is included in the author's criticisms, an act that Cowley, were he the author, and as a servant of Butler, would be inclined to avoid.

permitting them passage through to the Pale in exchange for exemption from punitive raids. They therefore 'marrye and norryshe w[i]th Iryshm[e]n wherby they owe suche favor unto the Irishemen that they suf[f]er the Irishemen to make Rood[es] in to the englyshe contree.'[101]

As in the 'State of Ireland', the church comes under censure in a 'Discourse'. In a brief passage, the author laments that the great abbots and priors, who used to reside on their benefices and contribute to the defence of the land, no longer do so. Instead, like many of the great secular landowners, they take the 'p[ro]fitt[es] into Englond,' depriving the lordship of its wealth and dignity.[102]

The author concludes his description of the lordship's decline with the overarching observation that beneath the failures of the great magnates, great ecclesiastics, absentee marcher lords – here adding to the list members of the 'king[es] Counsell and hedd officers', who were perhaps seen as being in thrall to Kildare – lay a desire to 'studie no more but theire p[ar]ticler weale and eise.'[103] Indeed, administrative officials 'make relacion to the kinge that all the land ys in good quyete they takeinge no furder charge of the wealthe of adv[er]site of the land,' so diminishing 'the king[es] Iurisdicion from A large forrest to A naroo parke.'[104] In short, just as it was offered in the 'State of Ireland', the root cause of decay in Ireland was negligence and self-interest. The author of 'A discourse', however, had a significantly different approach to the lordship's remedy.

Remedies

'A discourse' takes a much more militaristic approach to reform than the 'State of Ireland'. It is driven by a perceived practical need to keep the Irish septs divided, seeking to subdue them piecemeal in the manner of a series of 'particular reformations'. By contrast, the 'State of Ireland' is fuelled by the ideological notion of the commonweal, the necessity of joining, invigorating, and organising the Anglo-Irish and Irish commons, first in order to address the practical reality of inevitable native Irish and rebel English opposition, and second – and more important – with a

[101] 'A discourse of the cause', BL Lansdowne MS 159, f. 8r.
[102] 'A discourse of the cause', BL Lansdowne MS 159, f. 8v.
[103] 'A discourse of the cause', BL Lansdowne MS 159, f. 8v.
[104] 'A discourse of the cause', BL Lansdowne MS 159, f. 9r.

view to addressing the greater social danger of magnate and ecclesiastical tyranny. 'A discourse', seeks to destroy Irish power in order to replace it with English authority, prioritising ethnicity over inclusiveness; the other seeks the same end by fostering a greater sense of the potential for native Irish inclusion in an expanded Anglo-Irish polity.

In his inaugural prescriptions, the author points to the importance of the western towns of the lordship surrounding Galway and those that 'have drawen them self to the dore of the passage at the sea costes.' Perhaps building upon the plan in the 'State of Ireland' to construct a strategic town at Athlone,[105] on the River Shannon some 80km east of Galway, the author exhorts the crown to leverage its support in the west so that the people there 'myght inhabite further w[i]thin the mayne lande,' while, from the east, 'the king[es] grace woll breke that naroo englishe pale and make A large englyshe Forrest.'[106] Once joined, he would be able to more effectively protect his subjects as equally in the west as the east.

A necessary first step to this required that the English of Ireland be at peace with one another. The author points out the current situation whereby 'therle of Desmond, the Brennys, and other Iryshe men [are] at dayly warre apone therle of ormon[es] land[es] and other the king[es] subject[es].' To curtail these disputes, he resolves, it would be best to send into Ireland a man 'not Above the degree of A knyght,' who might assess for the king just what the worth of each magnate is when *neither* of them holds office or authority in the lordship.[107] Their real worth to the crown would rest in their ability to assist in the particular reformation of their own lands, restoring the king's law, customs, and general order. The proposal was significant as it highlighted the notion, gaining traction on both sides of the Irish Sea, that the great magnates of Ireland were no longer the key to good governance in the lordship. The proposal held aloft the suspicion of their loyalties and abilities for the crown to scrutinise.

[105] While outlined most comprehensively in the 'State of Ireland', the importance of settling, fortifying, and establishing a town at Athlone in the centre of the island had long been known. A foothold had been established by 1199, and 'was developed both as an additional point of control of Meath and of entry across the Shannon into Connacht.' Martin, 'John, Lord of Ireland, 1185-1216', *NHI (1169-1534)*, vol. 2, p. 127.
[106] 'A discourse of the cause', BL Lansdowne MS 159, f. 9r.
[107] 'A discourse of the cause', BL Lansdowne MS 159, f. 9v.

Anticipating opposition to the idea of an English-born knight as deputy, the author counters with historical precedent, offering that even when there were five powerful earls, an English knight 'bare the kyng[es] Auctorite above xvj yere To whome all the said fyve Erles and all the residue of the grete men of the land were as obediente, as they wolde to the kyng[es] p[er]son.'[108] In fact, the quarrelsome Earl of Kildare would likely rather be ruled by just such a man, he being outside local power struggles and so far beneath the earl's social standing as to represent no real threat. Such a man was certainly less of a threat than that posed by Ormond, who had lately assumed the office of deputy and had been building up his own affinities with the native Irish at the expense of Kildare's.[109]

Before entering more closely into the broader task of addressing just how to go about fomenting a 'particular reformation', the author echoes some of the past reform literature by offering some prescriptions and brief recommendations intended to facilitate reform on a smaller scale. These more minute changes in administration were to be overseen by officers who were to ensure their institution and enforcement down to the level of the parish, attempting at the same time to avoid or somehow overcome the resistance of the native Irish.[110]

Many of these recommendations offered nothing more than a vague acknowledgement of proscriptions and laws that had over the years been repeatedly confirmed. But they were not the author's focus; they were, rather, put forth only as a 'ryght grete further[a]unce to the gen[er]all reformac[i]on.'[111] They were to prepare the groundwork for a longer-term change along the lines advocated in the 'State of Ireland', but the emphasis here was placed on what was regarded as the necessary intermediary step, that of a particular reformation characterised by hawkish diplomacy, dissimulation, and military conquest of Leinster and the midlands.

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[108] 'A discourse of the cause', BL Lansdowne MS 159, f. 9v.

[109] Some passages, like the present one, make it difficult to determine how aligned with the house of Ormond the author might have been. While defending the earl insofar as pointing out his struggles with the Geraldines, the author advances a recommendation suggestive that he is nevertheless cautious of all magnates, including the Earl of Ormond. This reticence would seem to make it an improbability that the author is Robert Cowley. 'A discourse of the cause', BL Lansdowne MS 159, fos. 9r-9v.

[110] 'A discourse of the cause', BL Lansdowne MS 159, f. 12r.

[111] 'A discourse of the cause', BL Lansdowne MS 159, fos. 11v-12r.

Particular Reformation

The stretch of land south of Dublin, extending through the Wicklow mountains down to Wexford is described by the author as 'A Comodyous and verye Ferteile Countre'.[112] Still forming a part of the Duke of Norfolk's inheritance, much of it was dominated by the O'Byrnes, O'Tooles, and McMurroughs. It was fronted by the sea to the east, Wexford to the south, and the Kildare and Ormond earldoms to the west, so that 'no Iryshemen maye cum to succor or assiste them.'[113] A campaign against them would thus be a relatively simple matter. What was required was the willingness of the earls of Ormond and Kildare to come together to give the plan execution.

The author reasons that Kildare and Butler could be granted Norfolk's lands in Leinster. With their own lands augmented in title, mutual interest would lead them to work together to enforce that title by subduing the native Irish usurpers. But there was a danger such a campaign would draw the native septs into a broad confederation or alliance to fend off the two earls. The author therefore recommends another course of action: refuse to pay blackrent to McMurrough and force him to retaliate. The king would then have perfect justification to respond, sending the full weight of the lordship's forces against McMurrough until he capitulates. Indeed, 'w[i]thdrawynge the said wag[es] and Annuytie [blackrent] from Hym,' would be tantamount to making '[a] playne conquest uppon Hym.'[114] The author theorises that 'by coulo[r] of w[i]thdrawinge of the said wag[es] and annuytie or exaccion, he [McMurrough] may be subduyd...w[i]thoute Any suspeccion of other Iryshemen.'[115] In other words, in this manner, English retaliation would appear justified, even by the standards of the native Irish.

Critical too, for the purposes of the author's 'particular reformation', was the isolation of the Earl of Desmond. The great lords of south Munster[116] were to be 'severed' from him and somehow compelled to give their pledges to the king, promising to act against the earl when required.

[112] 'A discourse of the cause', BL Lansdowne MS 159, f. 12r.
[113] 'A discourse of the cause', BL Lansdowne MS 159, f. 12r
[114] 'A discourse of the cause', BL Lansdowne MS 159, fos. 12v-13r.
[115] 'A discourse of the cause', BL Lansdowne MS 159, f. 13v.
[116] These included Desmond's uncles; the Powers; Lords Barry, Roche, Cogan; the Knight of the Valley; and some of the native Irish, including the McCarthys: Cormac Oge, McCarthy Reagh, and McCarthy More; as well as McMorris, and O'Connor Kerry.

Strategic castles at Ferns, Idrone, and Dungarvan were to be taken and garrisoned. The latter, presently in the possession of Desmond, was to be taken by the joint efforts of Kildare and Butler and restored to the king's 'inheritance'. It was of some symbolic significance: one of the 'chief honours of Ireland' and 'the gretiste and principall refuge and succor that therle of Desmonde hathe'. But, more practically, it was of some economic importance as a key fishing haven, home yearly to some 'twoo hundred sayles of englisheman.'[117]

It was critical to the author that whoever was chosen as deputy, he ought to be a man like the Duke of Norfolk, 'noble, active, and politic'.[118] But unlike the Duke, this time he ought to be supplied with a diverse, mobile, experienced army of 4,000 men who were capable of roughing it in the mountains and mires of Ireland.[119] It is evident that the author thought little of the loyalties of many of the king's resident 'subjects' of Ireland, who could be expected to 'be untrue or slake' in their required duties, so much so as to necessitate the sending over of such a sizeable army.[120]

Victualling of the army was to be tightly controlled, the author laying out the prices to be charged by locals and merchants for a broad range of goods, including: meals for gentlemen, yeomen, and commons; sheaves of oats and hay for their mounts; as well as the more complex provisioning required to accommodate the captains. The captains were to work closely with constables from each parish to ensure that those provisions were neither too scant nor too liberal; they were to be equitably obtained and given by the captains and hosts, respectively.[121]

Dealing with the native Irish

Sheer force, however, would not be enough to re-conquer the lordship. The most powerful chieftains of the north – O'Neill, O'Donnell, and McQuillan – would have to be approached and

[117] 'A discourse of the cause', BL Lansdowne MS 159, f. 13v.
[118] It is evident, given his earlier comments on the deputy, that the author intended his appellation of 'noble' as a descriptor of the future deputy's nature rather than his social status.
[119] These were to include 1,000 horsemen from the north of England. In addition to the horsemen, the balance of the army was to comprise gunners, pikemen, billmen, and bowmen. 'A discourse of the cause', BL Lansdowne MS 159, f. 14r.
[120] 'A discourse of the cause', BL Lansdowne MS 159, f. 13v.
[121] 'A discourse of the cause', BL Lansdowne MS 159, fos. 13v-14r.

convinced of the merits of submitting to the king. They were to be assured that the king sought only 'to have the lande reformeid and all warr ydlenes oppressours an suche abusions to be layd downe the waste land to be tieled and manuryd and the com[m]odities of the land redeceid to p[ro]ffitt;' and furthermore that 'his grace entendithe to handle them more gentlely and favorably then others.' In return, however, they were to become

> the king[es] subiect[es] takeinge hym for their sov[er]ayne lord confirmynge them to obbey and observe such orders and provisions as his grace shall devise and establyshe for reformacon of the land and to surrendre and yeld in to the king[es] hand[es] all the intrest title and possession that they have in theire land[es].[122]

The king would then grant their lands back, only 'yeldinge to hym A lyght chef Rentt,' adding, significantly, that 'they have a state of enheryt[a]unce.'[123]

This, then, was yet another early offer of 'surrender and regrant', suggesting a similar approach to the issues of the lordship espoused in the 'State of Ireland'.[124] But the tenor of the solution was a decidedly antagonistic rather than conciliatory one. On the heels of his description, the author cynically notes that the chieftains' 'state of inheritance', while understood by the crown, would remain to the chiefs a fantasy, for 'indede the surrendre takithe awaye all the state of enherit[a]unce And the takinge therof Agayne makithe them ten[a]unt[es] athe kyng[es] will, whose grace may doo w[i]th the land[es] his pleasure when seith oportunytie and tyme.'[125] In the end, the agreement would remain contingent on the king's goodwill and how much each chieftain could be trusted to serve the crown's interests.

It was also different in that it was an offer limited only to a few of the northern native Irish chiefs. In this case, it was extended to the feuding houses of O'Neill and O'Donnell, the most powerful chieftains in Ulster, as well as the less powerful, but strategically important McQuillans of the

[122] 'A discourse of the cause', BL Lansdowne MS 159, f. 14v.
[123] 'A discourse of the cause', BL Lansdowne MS 159, f. 15r.
[124] White, 'The Tudor Plantations in Ireland Before 1571', p. 53.
[125] 'A discourse of the cause', BL Lansdowne MS 159, f. 14v.

Route.[126] If the heads of those families proved amenable, negotiations were to be conducted with each leader in secret. By concealing the terms of their respective agreements, the crown might preserve the ability to leverage one chief against another should any one of them default in their obligations. In the end, if the agreements failed, 'the means may [be] founde to put them all togethers by the erys and one to distroye the other.'[127] With matters settled in Ulster, the 'lieutenant',[128] with his army of 4,000 men, could then focus his energies on reining in the native Irish septs to the south of the Pale.

The author proposed that all extortions should cease, and the south Leinster septs, like McMurrough, should be encouraged to give up violence, compelling all his kern and galloglass to take up husbandry. In return, the king would make grants of land to be rented at 4d. yearly for every acre. Failure to meet these requirements would mean exile from their native territories, where the crown would instead 'take all his castell[es] and Garrysons…[and] sell ward[es] in them and to make dyv[er]s vyllag[es] in the contre and to caste dyches and make hedg[es] aboute them…to kepe oute Mcmorrowe.'[129] While the great forests of oak were to be preserved, the thick woods of hazel and sallow, which offered protection to fleeing kern, were to be cut down, a passage broad enough to fit 20 men marching abreast carved through its midst, so permitting English forces more effective access to their fastnesses. Geographically, it would enlarge the Pale to a length of some 200 miles, and from 20 to 60 miles in width. Notably, the author betrays one of the most important characteristics of the Pale as he conceived it: that it was to be a truly 'English' Pale, full of Englishmen 'w[i]thout any Irysheman betwext them.'[130]

[126] Their lands lay along the eastern shores of the River Bann, one of the most important fishing regions in Ireland. Peace with McQuillan might also permit the crown to leverage that family against Scottish settlers who periodically entered Ireland along this route from the north-east.
[127] 'A discourse of the cause', BL Lansdowne MS 159, f. 15v.
[128] The author interestingly uses this term rather than the more usual 'deputy'. I do not think he had reservations about his earlier recommendation that the governor be a gentleman. I suspect, rather, that the author recognised the necessity of cultivating and leveraging whatever prestige might be had in order to rule in a place as isolated from direct English rule and as seemingly disordered as Ireland. By conferring the title of 'Lieutenant' on a non-noble, the crown might better preserve and enhance his reputation.
[129] 'A discourse of the cause', BL Lansdowne MS 159, f. 15r.
[130] 'A discourse of the cause', BL Lansdowne MS 159, fos. 15v-16r.

It would be critical to the process of pacification, and – if necessary – extirpation, to identify and re-inhabit those manors, castles, walled towns, and piles throughout Ireland, which the English had formerly occupied, and which 'w[i]th a litle rep[ar]acon myght be made stronge yenoughe to kepe owte Iryshemen.'[131] Re-purposing strongholds was important from a strategic, strictly military standpoint, but it would also be important to occupy the lands surrounding those garrisons. What the author suggested was a sort of conservative programme of re-colonisation whereby, once the McMurroughs and O'Byrnes had been subdued, men in England, but of Irish birth, were to be planted. The manner of plantation was to occur in successive waves, so as to ensure an adequate supply of victuals for the settlers, as well as for the major branches of the armies which were to be located at Ross, Arklow, and Carlow.

The other great threat in Leinster according to the author lay to the west of Dublin in the midlands. There, like McMurrough, O'Connor had been taking blackrent from the crown and persisted in making raids against the Pale. As recently as Surrey's tenure as lieutenant, in spite of the respect and trust the latter had extended him, he could 'never fynde stedfasnes in his p[ro]mysse or act[es] but ever decept[es] and crueltie.'[132] O'Connor, too, must therefore submit to the crown or suffer the consequences. Whatever his decision, garrisons would have to be established to ensure the regular victualling of the soldiery. These were to be kept at 'Kesheboyne', Rathangan, and Darcy's Castle at Kinnegad, forming a new border for the Pale some 25km west of the present boundary, and pushing deep into Offaly.

The greatest obstacle to gaining O'Connor's submission was his tie of kinship to Kildare by way of his marriage to the latter's daughter. Nevertheless, it was critical that Offaly be taken, it being, according to the author, the 'key' to Ireland. With O'Connor subdued, the crown could expect that the surrounding, smaller Irish septs would fall as well, and English forces could then push further westward to the River Shannon, secure in the knowledge that the conquered territories behind them would remain so. Castles and towns were to maintain warning beacons that could

[131] 'A discourse of the cause', BL Lansdowne MS 159, f. 16r.
[132] 'A discourse of the cause', BL Lansdowne MS 159, f. 16v.

be set alight if the native Irish attempted invasion. The inhabitants of the territories could retreat to these safe areas with their families and cattle in times of uncertainty.[133]

The author appears to have recognised the crown's prevailing need for economic discretion when committing its troops. To that end he emphasises the dual role that settlers would play in his scheme. He proposes that soldier-settlers should be granted title to lands in freehold, yielding to the crown a rent of 4d. yearly on each acre of arable land. Grantees were to remain on their land, both tilling the soil as well as committing themselves to its defence. As an inducement to the settlers, their land, as freeholds, would be capable of being passed through inheritance, should any of the soldier-settlers be slain. Finally, once the territory was settled and secure, 'then the kynge may by act of [parliament] enlarge hys Realme after his pleasure.'[134]

Without suggesting that the 'Discourse' directly influenced later approaches to the ongoing process of English colonisation of Ireland, it is nevertheless consistent with continuing and intensifying proposals for plantation. This method of planting soldier-settlers to till the land, then making claim to it, represented a somewhat canny way of trying to skirt the issue – increasingly a concern in light of fifteenth and sixteenth-century ethical sensibilities – of government-authorised conquest by force. The author's idea may have suggested a practical basis for the privateering ventures and seizures of land endorsed after mid-century.[135] Either way, it relied on a series of particular reformations in Ulster and Leinster involving deception, force, and displacement of those more powerful native Irish septs that could offer significant resistance. It was to be a unilateral solution concluding with the establishing of loyal subjects eager to plant and till and hopefully augment the crown's anaemic revenues. Ultimately, the conquered

[133] 'A discourse of the cause', BL Lansdowne MS 159, fos. 16r-17r.
[134] 'A discourse of the cause', BL Lansdowne MS 159, f. 17r.
[135] Fitzmaurice, for example, observes that Henry Sidney, deputy on numerous occasions through the 1550s, 60s, and 70s, 'advocated the foundation of colonies through private licence, as the means to achieve this aim [of subjecting the Irish].' Fitzmaurice, *Humanism and America*, pp. 35-6; Nicholas P Canny, 'The ideology of English colonization: from Ireland to America', *The William and Mary Quarterly: A Magazine of Early American History* (1973), pp. 575-98, p. 576; D.B Quinn, 'Sir Thomas Smith (1513-1577) and the Beginnings of English Colonial Theory', *Proceedings of the American Philosophical Society*, 89, 4 (1945), pp. 543-60, pp. 545, and see pp. 552-3 for Thomas Smith's 1571-2 private venture in Ulster, when he promised 'to send over…not only soldiers but "husbandmen and plowmen to sow and plant the grownd, that ther might be some apparaunce of ciuilitie."' [quoted in Quinn].

territories, presumably owing to their occupation and improvement by its new inhabitants (or 'reformed' old ones), were to be integrated into a revitalised and expanding lordship by act of parliament. In short, it offered a means – however dubious even by sixteenth-century standards – of asserting a centuries-lapsed claim to title over large swathes of Ulster and Leinster.

The Dangers of Reform

But there remained some outstanding concerns that may have been aired in some circles at the time the treatise was composed. Fears of Anglo-Irish lords and Irish chiefs conspiring with Spain and France were proving increasingly warranted.[136] For these reasons, the author relates, '[s]umme p[er]cas wold hold opynion, that it were…benyficyall for the Realme of england, that Irlond shuld contynue still in contencion and dyvision then to be gen[er]allye reformed.'[137] In those circumstances, the governor would never be in a position to cultivate Irish allegiances for his own ends. Such speculation was, he declared, fodder only for those who, safely in England, reaping whatever wealth they might from their interests in Ireland, 'speke it only to contynue theire pleas[au]nt pastyme.' For the author, it was easily seen that other territories on the periphery of the kingdom 'be as obbeys[au]nce and p[ro]fitable to hym as the Realme wherin he is p[er]sonally resident.'[138] There was, therefore, no reason that Ireland could not be just as profitable if his instructions were heeded.

The author had made plain his recommendation for a governor of strictly English extraction, but he accepted that this was not always possible, and given the unceasing disputes of Butler and Kildare, a single governor was, perhaps, no longer even desirable. The author therefore suggested a strikingly divergent arrangement: a number of provincial governors, '[five] Captayns every haveinge A certayne lymytacon how farre his awctorite shuld extend.'[139] If one or two should abuse their authority, the others could intercede to contain them. In any case, they would

[136] The alienation of France in negotiations with England and the continental powers brought Henry VII into coalition with France's enemy, Holy Roman Emperor, Maximilian I. It was enough of a slight for France to collude with Yorkist plotters in Ireland, John Taylor and John Hayes: 'The French King and Council said that they would take nothing in recompense for their aid, but undertook to act because of the "wrong they had done in making Henry king of England."' Chrimes, *Henry VII*, pp. 80, 82.
[137] 'A discourse of the cause', BL Lansdowne MS 159, f. 17r.
[138] 'A discourse of the cause', BL Lansdowne MS 159, f. 17v.
[139] 'A discourse of the cause', BL Lansdowne MS 159, f. 17v.

be too far from each other to combine or mount an effective rebellion. Anticipating criticism, he points to the palatinates of England, which present little threat, and, in fact, augment the king's authority, for 'the moo p[er]sonag[es] that have the king[es] awctoritie the larger is the king[es] obeys[au]nce and his poure augementid.'[140] This was a more preferable arrangement than the *status quo,* where the deputy was seldom seen outside the Pale, and law and order in the localities suffered as a consequence. Regrettably, the author concludes, this was the doing of the great landlords of the English Pale, who 'wold have none but one that shulde dwell contynually emong[es] theyms self and take no charge of the residue of the land.'[141] For him, the crown's priority lay in extending the reach of English authority well beyond the bounds of the Pale, even if doing so meant playing off the native Irish of Ulster, one against the other; or displacing those septs of Leinster, in the region south of Dublin, and planting Anglo-Irish settlers, capable of defending their new lands, in their stead.[142]

Conclusion: 1525-28

The period during which 'A discourse' was composed was a tumultuous time. Recriminations were repeatedly traded between Butler and Kildare. Butler's letter to his son, James, still in London in April of 1525, impressed upon the latter the urgency of using his influence at court to

[140] 'A discourse of the cause', BL Lansdowne MS 159, f. 17v.
[141] 'A discourse of the cause', BL Lansdowne MS 159, f. 18r.
[142] 'A discourse of the cause', BL Lansdowne MS 159, fos. 17v-18r. With respect to the author's discussion of the value of palatinates in England, it is worth noting Ellis' observation that '[u]ntil the 1530s palatinates were also seen as cheap and effective methods of extending the government's normal reach.' The events of the Kildare rebellion in 1534 'provided the first indication' of the curtailing of palatinates and liberties, possibly because the lordship's were 'legally less autonomous than those in England or Wales…and were generally better governed than adjoining royal shires.' Their purpose, however, 'disappeared with the establishment of provincial councils.' Ellis, *Tudor Ireland*, pp. 130, 167. Indeed, Maginn discusses a 1541 commission which essentially formed a '"proto-presidential" council'. It was given broad jurisdiction and notably included the thirteenth Earl of Desmond 'who held a palatinate jurisdiction in Kerry, [and] embraced his role in regional government with the result that English rule in Munster was greatly strengthened in the mid-Tudor period.' Nevertheless, and perhaps offering some confirmation of the treatise author's point, Maginn suggests that 'the possibility that the presidency might be filled by another…must have been a source of anxiety for Desmond.' Christopher Maginn, ''Beyond the Pale': Regional Government and the Tudor Conquest of Ireland', in *Frontier and Border Regions in Early Modern Europe*, (eds.) Raingard Esser and Steven G. Ellis (Hannover, 2013), pp. 41-57, p. 48.

counter claims of disloyalty made against him by unnamed members of the Dublin council acting on Kildare's behalf.[143]

For his part, the king appears to have had cause to grow wary of Kildare's protestations. In a letter of 20 May 1524, he scolded Kildare for failing to meet the terms of his indenture, whereby he was to pay out one half the subsidy to Butler, amounting to some £800. In a somewhat fawning letter the following August, Kildare advised the king that the amount had been paid, proclaiming that 'I never did, ne thought, any thing, wherby I shuld deserve your moost drad displesure,' reminding the king once more of their youth together and the familial connections they had forged since.[144]

Kildare followed up the subsequent year with a detailed response to what he described as those 'untrue surmyses against me,' brought forward by men like Robert Cowley 'by whome diverse untrothes hath been proved, to indite complaintes, at his owne pleasure or discression against [me]'.[145] It was a desperate sounding account that offered a response to Butler's accusations of the previous year.[146]

What must have been particularly galling was that Butler had managed to slip into England before Kildare's knowing and without his assent.[147] Kildare's desperation is glaringly apparent in the closing passages of his response. For Butler's arrival in England, Kildare feared, would afford him further opportunity to make issue of an embarrassing letter that implicated Kildare in a

[143] The letter has been erroneously catalogued at as belonging to 1524; it ought to be dated, rather, to 22 April 1525, during the time of Kildare's deputyship. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 40, pp. 118-19.
[144] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap 43, p. 125. It is interesting to speculate that perhaps Kildare felt he could cultivate the same affections and allegiances from the king as he had been able, also through marriage (of his daughters), to do with many of the native affinities.
[145] These articles, too, are erroneously catalogued as belonging to 1525; Fitzsimons has re-dated them to the following year, a date endorsed by Maginn and Ellis. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 42, pp. 120-4; Fitzsimons, 'Wolsey, the Native Affinities', *Regions and Rulers in Ireland, 1100-1650*, p. 109; Maginn and Ellis, *Tudor Discovery*, p. 152.
[146] It listed many of Butler's misdeeds in Kildare's eyes: his imposition of coyne and livery in counties Kilkenny and Tipperary to the sum of 2,000 marks yearly; his occupation of the king's manors in the same region without patent; his alliance with O'Carroll against the deputy; his attempts to curry favour with O'Byrne; his failure to pay fines relating to the burning of a village and murder of 17 people in Kildare; to his maintenance of felons and keeping of brigands; the kidnapping of a Kildare kinsman; and the decay of his churches in his own lands *LP (1524-26)*, vol. 4-1, Cap. 1352, pp. 597-9; *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap 42, pp. 120-3.
[147] Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 673.

conspiracy with Desmond, some years earlier, when Butler had been deputy.[148] Kildare was evidently worried that Butler would now raise the matter with the king in person.

Shortly after Butler's arrival in London, Kildare was called over, arriving sometime in November or December of 1526. It is at this time that a large gap occurs in the *State Papers*. Dramatised tales of the clash between Kildare and Wolsey are woven into Stanihurst's account of the period in Holinshed's *Chronicle of Ireland*,[149] but without the letters of the *State Papers*, it is difficult to faithfully piece together attitudes towards reform at a very critical time.

Butler and Kildare had been locked in a seemingly ceaseless battle since Kildare's return to the island and deputyship in 1523-4. But it is clear from Butler's flight to England, and Kildare's recall, that the crown – and likely other members of the councils on both sides of the Irish Sea – were growing weary of magnate rule. 'A discourse of the cause of the evell state of Ireland' is the only treatise that remains extant for the period. It suggests that the gentry and lesser lords of the Pale, too, were growing restless with what must have seemed to them a stale and over-indulged *status quo*.

That treatise expresses the uneasiness of the Palesmen as they regarded a return – however tentative – to magnate rule, favouring increased devolution of authority to the localities as a suitable countermeasure to magnate power. The author nevertheless retained hope that the ambitions of Butler and Kildare might be reined in so that they would work together with crown officials towards a reconsolidation of the colony. It also reveals a wariness, but lingering willingness, to negotiate with the native Irish; although this too was portentous in its somewhat dire qualifications. Significantly, too, the treatise confirmed earlier calls for the equipping of

[148] At the time, Desmond, somewhat suspiciously quiet in the south, refraining from harrying Butler's territories, as had been his wont, was in negotiations with France. French emissaries had been sent to meet with Desmond in the wake of the England's declaration of war on the side of the Spanish in 1522. They drew up an agreement that saw Desmond supporting 'the French candidate for the English throne, the Yorkist Richard de la Pole.' It was Butler's wife, Desmond's sister, who had intercepted the letter from one of Desmond's servants who had been staying in her house and had delivered it to the authorities. Kildare denied any knowledge of Desmond's 'mysdemeanure towardes the Kinges Grace,' until the king's commissioners arrived and questioned him. In the event, they had found that the letter proceeded 'of noon evill intente.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap 42, pp. 123-5.
[149] Stanihurst, 'The Chronicles of Ireland', *Holinshed's Chronicles*, vol. 6, pp. 281-83.

soldier-settlers – English tenants and landowners who could be counted on to assist in the defence of their own holdings.

Chapter 6 – The Push for Reform, 1528-33

Introduction: The First Stirrings of Rebellion

During the period from 1528 to 1533 the problem of English governance in Ireland, whether through magnate-rule or otherwise, continued to be both the greatest obstacle to, and impetus for, reform: the crown could neither rule with nor without Kildare. Palesmen, understandably desiring security, benefitted from some of his methods, but increasingly objected to others, spurring the vocalisation of their reformist recommendations. Despite continuing calls for Kildare's dismissal by some members of the Pale community, there were others who either remained loyal to him or simply believed the lordship could not be governed without him.

At the same time, the king's attention was drawn away from Ireland as he sought firmer grounds for divorce from his wife, Catherine of Aragon. Cardinal Wolsey's failure in that matter, and his subsequent demotion and eventual attainder, complicated further interventions in the lordship.[1] Nevertheless, with Kildare and Butler both recalled to England in an attempt to compose their incessant disputes, the crown gained another opportunity, however proscribed, to experiment with how the lordship might be governed without relying on a local magnate.

Some historians have tended to regard the latter half of the 1520s as a period during which the crown cooled to the idea of reform in the lordship. Connolly, for example, sees its actions around this time as one of 'a series of weak and inconsistent decisions,' where '[t]he dithering of the king and his ministers can in part be attributed to the competing demands on their attention.' For his part, Wolsey's biographer, Peter Gwyn, suggests that late in the 1520s, the crown could simply 'choose to ignore the problems of Ireland.'[2] And of Wolsey, White confidently asserts that '[t]he

[1] Henry and Wolsey were preoccupied with the king's 'great matter' and preparing for a showdown with Rome, as well as with the clergy closer to home. By 1528, Henry was becoming increasingly desperate to secure the divorce, undermining Wolsey by sending unilateral messages to the Pope, and later offering to supply men to aid in the Pope's defence against the Charles V. In the event, a legatine court was convened in London, but was adjourned and abandoned, representing 'the last public display of papal authority in England,' auguring Wolsey's fall the next year, and the final break with Rome (most definitively by the promulgation of the 'Act in Restraint of Appeals to Rome' of 1533). Elton, *Reform and Reformation: England, 1509-1558*, pp. 110-11 and pp. 176-7.
[2] Connolly, *Contested Island: Ireland 1460-1630*, p. 83. Gwyn, *The King's Cardinal: The Rise and Fall of Thomas Wolsey*, p. 253.

cardinal had no enthusiasm for Ireland,' while imputing that the king had little by way of reformist innovation to contribute.[3]

By contrast, Quinn highlights the development during the 1520s and early 30s of 'a new effort to integrate Ireland more fully into the dominions of the king.'[4] Fitzsimons, too, argued the importance of Wolsey's experiments with reform throughout his tenure.[5] And most recently, Heffernan has observed that '[w]hat these studies demonstrate is that direct crown rule in sixteenth-century Ireland did not develop in response to the destruction of the house of Kildare in the mid-1530s, but rather the Kildare Rebellion occurred in response to these attempts to re-impose control from England in the 1520s.'[6] Their studies lend support to the position taken in this thesis of the consistency of crown ideology and commitment to efforts to reform the lordship dating back to at least 1515.

In a broader context, in relation to Ireland, this position was most effectively laid out in Bradshaw's *Constitutional Revolution*, with his application of Elton's notion of 'unitary sovereignty'. By the 1530s, spearheaded by Cromwell, it represented a revolutionary approach to administrative centralisation. Elton readily admits that the idea was not specific to Cromwell, rather that '[t]he first years of Cromwell's administration witnessed an energetic resumption of purposes which over the centuries had at intervals attracted the minds of the Kings of England.' It has been argued here that such a process had been underway in Ireland, just as in other of the king's dominions, for some decades. Elton and Bradshaw argue that the process accelerated under Cromwell in the 1530s, so that '[b]y 1536 the feudal suzerainty of the Crown had finally vanished, to be replaced by a universal political rule (even though many of the old forms remained embedded in the new arrangements) and lines had been laid down for settling the structure of *all* the King's dominions.'[7]

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[3] White, 'The Tudor Plantations in Ireland Before 1571', p. 38.
[4] Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 687.
[5] Fitzsimons, 'Wolsey, the Native Affinities', *Regions and Rulers in Ireland, 1100-1650*, *passim*.
[6] Heffernan, *Debating Tudor Policy*, p. 36.
[7] Italics mine. Elton, *Reform and Reformation: England, 1509-1558*, p. 201; Bradshaw, *Constitutional Revolution*, p. 118. Bradshaw interprets the essence of Cromwellian reform as it applied in Ireland as 'not a response to the Kildare rebellion but the culmination of a project that the rebellion interrupted.' Indeed, '[t]he Kildare rebellion did

While acknowledging the significance of 'unitary sovereignty' to a broad historical picture of the lordship's challenges, this chapter will investigate some of the administrative particulars characterising that approach, focussing on certain official appointments which illustrate the crown's steadfast quest for alternative governance and further obstacles that arose. The chapter will also examine in detail the consequences of the eventual re-instatement of Kildare as deputy from 1532-4, which prompted further reform correspondence and, most notably, Robert Cowley's treatise, 'A complete resume of the state of Ireland'. That work represented a significant departure in the style and content of reform literature in general. Unlike earlier treatises, Cowley's 'Resume' did not seek to offer evidence of English sovereignty, resting rather on the bold assumption that it was manifest by reason of ancient title and exploits of war and diplomacy. '[T]his matter,' he declared, spurning the tradition of historical recitations of conquest and ownership, 'is not to be had in questio[n], how it mought be had, when it hath bene had alredy.'[8] Indeed, 'albeit that the kinge is out of possessio[n] of his reveneues and old inheritans…is no p[ar]t of my purpose at this tyme.'[9] Cowley's purpose, unlike many contemporary reformers, reflected those for a general reformation advocated by the compiler of the 1515 'State of Ireland', as well as the king himself. Unlike these, however, Cowley's was not focussed on nuanced ideological justifications of a general reformation based on fostering a just and inclusive commonweal. Rather, his ideas rested solely on very practical and sometimes cruel methods of operationalising a general reformation. Diverging from the sorts of humanist-inspired approaches advocated by the king, underpinning Cowley's approach was a resurrection and amplification of Gerald of Wales' twelfth-century caricature of the native Irish, one that would become the keystone of colonialist approaches from mid-century.

not elicit Cromwellian reform, the relationship was exactly the reverse.' Bradshaw, 'Cromwellian Reform and the Origins of the Kildare Rebellion, 1533–34', p. 86. See also Ellis, who is in general agreement with the impact of Cromwell, with some qualifications, mostly relating to increased financial burden, and some sacrifices in the marches: Steven G. Ellis, 'Thomas Cromwell and Ireland, 1532–1540', *The Historical Journal*, 23, 3 (1980), pp. 497-519, pp. 517-8.

[8] 'Resume', TNA SP 60/6, f. 117r.

[9] 'Resume', TNA SP 60/6, f. 118r.

Finally, the chapter will review the views put forward by the Dublin council who, although conservative in their complaints, nevertheless crept closer to open criticism of Kildare – albeit in the safer, but scarcely-veiled guise of a condemnation of broader magnate rule.

Richard Nugent, Third Baron Delvin

Sometime about December 1526, Kildare deputised his brother, Thomas Fitzgerald, to act as governor in his absence. Little is known of what happened during his tenure between December 1526 and September 1527 due to a substantial hiatus in the *State Papers* over this period,[10] but the appointment was likely regarded as unavoidable, a necessary expediency to maintain order in Kildare's absence. Less than a year into Thomas' governance however, in a bold move eschewing the selection of either Kildare or Butler in favour a lesser – although still relatively powerful – nobleman of the marches, the crown opted instead to back as deputy the prominent Meath landowner, experienced administrator and soldier, Richard Nugent, third Baron Delvin (*d*. 1538).[11] Yet for reasons that neither he nor the crown would have hoped, Delvin's deputyship is chronicled much more fully than his predecessor's owing to a series of failures that marked the first stirrings of the Geraldine insurgency in Ireland.

Delvin's appointment can be interpreted in a number of ways. It may simply have been symptomatic of Henry's and Wolsey's increasing interest in the insoluble problem of the king's 'great matter', drawing their attentions away from the lordship. Some historians like Peter Gwyn, biographer of Wolsey, impute that Wolsey's and Henry's interests were trained elsewhere. Given

[10] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, pp. 125-6.

[11] While wealthy landed gentlemen like William Darcy could boast modest incomes of around £150 a year, nobles like Delvin were only slightly better off: Delvin himself had an income around £200 a year. By contrast, in the early 1530s, the ninth Earl of Kildare's manors brought in substantially more: £709 from some twenty manors in County Kildare, £460 from manors and lands in County Meath, and still more from scattered possessions in Counties Tipperary, Dublin, Carlow, Cork, and Wexford. Together the rents from these amounted to some £1,585 a year, and the earl's overall income at the time has been estimated in excess of £2,000 *per annum*, placing 'him among the top ten of the Tudor nobility…[meaning] that Kildare towered head and shoulders above all the other nobles in the lordship,' to say nothing of his *manraed* and the cultivation of the native affinities, all of which contributed substantially to his military capabilities. Nevertheless, as a marcher lord, Delvin was not lacking in the desired attributes of a governor. Ellis, 'William Darcy of Platten', *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, p. 29. Delvin, however, would receive as deputy a salary of £200 to supplement a 'meagre landed patrimony and localized *manraed*.' Steven G. Ellis, 'Nugent, Richard, third Baron Delvin (d. 1538)', *ODNB*, Accessed 16 Oct. 2017, http://www.oxforddnb.com/view/article/20395; Ellis, *Tudor Frontiers*, pp. 122-28.

its remote situation, the crown 'could, therefore, choose to ignore the problems of Ireland…an unimportant backwater…To reconquer it would have required a great deal of time, effort, and above all money. For better or worse, neither Henry nor Wolsey considered that Ireland was worth all this.'[12] Henry himself however would appear to argue that this is not the case. The crown's commitment to this new experiment is testified to by Henry's obstinate response to the recommendations of two members of the Dublin council – Hugh Inge and Patrick Bermingham – as well as his own councillors, Norfolk and Wolsey. These men had advised that Kildare be re-employed as deputy, at least in the short term. But in a letter to Wolsey of 28 July 1528, Henry fairly bellowed that 'in noo wise thErl of Kildare shuld have any of his wardes of fermes within Irlande.' Instead, those revenues were to be reserved for the acting deputy, for '[his] Highnes thinketh, that the said Erl of Kildare goeth fraudelently about to colour, that the King shuld thinke, that His Grace couthe not be served there, but oonly by hym.'[13]

By appointing Delvin, the crown was making an informed choice, if a somewhat reckless one.[14] Throughout his career, Delvin had been able to cultivate a respected military reputation, acting as the commander of the king's forces during Poynings' vice-royalty in 1496, as well as commanding the English cavalry in the Battle of Knockdoe in 1504. He had experience on the Dublin council dating to 1522 and had served as a member of the peace commission for Meath.[15]

Significantly, he was also a powerful marcher lord whose barony and lands were situated in the exposed periphery of the north-west Pale, which would have given him 'good experience of border warfare.'[16] With Kildare out of office and in London with Piers Butler, hostilities from the native Irish were expected.[17] As the treatises and letters of the 1520s show, many of the Pale

[12] Gwyn, *The King's Cardinal: The Rise and Fall of Thomas Wolsey*, p. 253.
[13] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 52, n1, p. 140.
[14] Maginn and Ellis have described Henry's recall of Kildare and Butler as 'reckless', although they concede that it 'created the circumstances in which a royal reform initiative again seemed possible.' Those circumstances stemmed from the ensuing crisis after Delvin's abduction by the O'Connor chief. Their interpretation tends to underestimate the significance of the choice of Delvin as deputy. By contrast, it is suggested here, that Delvin's deputyship was a continuing part of the crown's efforts to engender reform in the lordship. Maginn and Ellis, *Tudor Discovery*, p. 154.
[15] Ellis, 'Nugent, Richard, third Baron Delvin (d. 1538)', *ODNB*.
[16] Ellis, 'Tudor Policy and the Kildare Ascendancy in the Lordship of Ireland, 1496-1534', p. 242.
[17] A letter of Inge and Bermingham to Wolsey stated that 'this poor londe hathe taken great lostes and damagies this winter, aswell this partie of thEnglisshrie, and marches of the same, by reason of the absence of thErll of

marchers had to come to terms with their Irish neighbours in return for immunity from incursion, and their lands presented a permeable membrane through which the native Irish could make more devastating raids on the *maghery* or core of the Pale.[18] Delvin, however, with substantial holdings in the marches, could presumably be counted on to take more than a passing interest in defending the Pale's borders, its tenants, and his fellow landholders. That Delvin was also the wealthiest of the Pale nobility suggests that his selection by the crown was no passing whim.[19] His wealth, combined with his administrative and military experience, it was hoped, would give him the best opportunity of all the Palesmen to forge a new path for governance in the lordship.

Some detail of Delvin's tenure can be gleaned from the unflattering letters of the members of the Dublin council to Henry and Wolsey. It becomes clear from these just how difficult it was for a man of lesser means than the great magnates of Ireland to govern the lordship and retain the support of his peers. Just five months into Delvin's tenure, Bishop of Meath, Hugh Inge, and Chief Justice of the King's Bench, Patrick Bermingham, dispatched a letter to Wolsey that outlined the pitfalls of installing a deputy who lacked the means of enforcing the king's authority without recourse to what they perceived to be extreme measures – of, that is, to the much-complained-of practice of coyne and livery.

With Kildare and Piers Butler absent, the native Irish and English rebels, they said, were emboldened. And rumours were making the rounds that Kildare had been imprisoned in the Tower. Circumstances now more than ever required that adequate defences were in place to protect the Pale. But Delvin, they complained, 'is nat of power to defende the Englissherie.' He lacked the native resources of a Kildare or Butler, had fewer lands and far less income, was supplemented little by meagre revenues and no subsidy, and had been forced to resort to rampant coyne and livery, resulting in a situation whereby 'the poor people is ferr more chargid and oppressed by hym, than they have been, thErll of Kildair being here.'[20]

Kildair, as the counties of Kilkenny and Tipperary, by great trobles emong them selffes, that wold have been moche easid, if the Lord of Ormonde had been at home.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 44, p. 126.

[18] See discussion in 'A discourse of the cause of the evell state of Ireland' above, Chapter 5.

[19] Ellis, 'William Darcy of Platten', *Taking sides? Colonial and Confessional Mentalités in Early Modern Ireland*, p. 29.

[20] Some Palesmen seem to have been eager to relieve themselves of the burden imposed upon them by Delvin's need to billet his troops on their lands. Prior to 1527, the deputy's retinue could only be billeted in any one place a

Undoubtedly, these were circumstances beyond Delvin's control. They combined, however, with an unyielding approach to governance that was also not well received by the native Irish in the marches and surrounds. Most significantly, Delvin put an abrupt end to the traditional payments of blackrent the Dublin council had been making to O'Connor and O'Neill, intended to keep native Irish incursions at bay.

O'Connor and O'Neill were related to Kildare through the marriage of his daughters, and this is sometimes interpreted as motive for Delvin's actions. Historian Gerald Power has recently conjectured that Delvin's seemingly antagonistic posture towards O'Connor was part of a deliberate plan 'to have Piers and his son James returned to Ireland with the king's backing to effect the reduction of Kildare's malign client.'[21] James, however, was already back in Ireland by February 1528. And given the long history of maintaining blackrent payments to powerful Irish septs, and their evident importance to the survival of the Pale, it seems unlikely that an experienced commander and administrator like Delvin would have sanctioned the move solely on the basis of a loose affinity towards the Butlers. It is true that he had as recently as 1524 been singled out in some manner by Kildare, enough so that the king was prompted to include an article in an indenture with Kildare warning him off stirring war with Butler, Darcy, and Delvin.[22] But it is unclear whether Delvin can accurately be assumed to have been an adherent of Butler. Although he may have had motive to undermine Kildare's allies, O'Connor and O'Neill, he would

night at a time, a practice the earls of Kildare appeared more or less to have adhered to. Delvin, however, increased this to two nights. Notably, however, during Butler's succeeding deputyship, this was increased to four, returning to two under Kildare in 1532-4. Delvin's imposition of coyne and livery, therefore, seems less radical when seen in this context, and was perhaps less devastating than his contemporary critics – Inge and Bermingham in particular – made out. His decision to double the terms under which coyne and livery could be employed in the Pale was a practical administrative response to the need to protect the Pale from the retaliatory raids that could be expected by O'Connor and O'Neill for the withdrawal of their blackrent payments, as well as suspicions of a Geraldine faction on the council who sought to advance their own interests over those of an increasingly interventionist crown. Ellis, *Reform and Revival*, p. 54. Thomas Luttrell, subsequently Chief Justice of the King's Bench, in his 1537-8 Commission Book, described in detail how coyne and livery had been imposed in the previous decade. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 184, p. 503; *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 54, p. 126.

[21] See also, for example, Ellis' and Lennon's description of Delvin as pro-Butler, and Gerald Power's exploration of the notion. Lennon, *Incomplete Conquest*, p. 98; Ellis, 'Tudor Policy and the Kildare Ascendancy in the Lordship of Ireland, 1496-1534', p. 242; Power, *European Frontier Elite*, p. 70.

[22] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 39, p. 117.

have been aware that he would also be exposing his own lands, and those of other Palesmen, to the retaliatory raids of two of the most powerful native chiefs in Ireland.

A more practical interpretation of Delvin's actions suggest that he was instead motivated by a desire – shared and recently expressed by some members of the Pale community – to initiate a transition in how and by whom the Pale was governed. It was a desire informed by the reform treatises of the past decade and a half, one at whose core was the rejection of Kildare, if not all magnate, rule. Notably, it was also one that – if Henry's recent assessment of Kildare is taken into account – continued to be wholeheartedly shared and endorsed by the crown. Far from demonstrating only 'a vague feeling that all was not well',[23] together the treatises and correspondence of the early sixteenth century provide important evidence of how ideology and practical considerations came together in the crucible of dialogue and guided administrative policy in Dublin and London.[24]

Unfortunately, the rationale for Delvin's appointment are not given much consideration owing to his deputyship's inauspicious ending: on 12 May 1528 he was kidnapped during a parley with the O'Connor chief.[25] Without delay, in a letter of May 15, the council reported to Wolsey that they had elected Thomas Fitzgerald, brother of Kildare, captain of the lordship's defences in the interim.[26] Delvin was released months later, after it was agreed that O'Connor should resume his

[23] Ellis, *Tudor Ireland*, p. 103

[24] Bradshaw, we have already observed, acknowledged the 'stultifying' nature of the reform tracts, although he made significant attempts to study several of them. By contrast, Ellis highlighted their 'misleading' content and 'polemical style'. Bradshaw, *Constitutional Revolution*, p. 36; Ellis, *Tudor Ireland*, p. 103. More recently, Ellis, albeit writing with Maginn, appears to have moderated his view, stressing now the importance of 'the difference between reform in theory, as set out in a written treatise, and reform as it was actually attempted. It is an important distinction that, if not observed, can lead historians to place undue emphasis on the influence that such writings had on policy.' Maginn and Ellis, *Tudor Discovery*, p, 150.

[25] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 45, p. 127. The events are given colour by Walter Wellesley, Prior Connell, who wrote to the council describing his meeting with O'Connor and the latter's outrage that Delvin had spurned all of O'Connor's attempts to ensure peace and offer his homage – if only Delvin would not rescind the 'royal grant' or, as critics styled it, 'blackrent'. Brian Nugent, *A Guide to the 18th-century Land Records in the Irish Registry of Deeds* (Corstown, 2013), pp. 246-7. O'Connor's 'blackrent', in particular, had parliamentary sanction, and was 'raised by means of subsidy assessments.' D.B. Quinn, 'The Irish Parliamentary Subsidy in the Fifteenth and Sixteenth Centuries', *Proceedings of the Royal Irish Academy. Section C: Archaeology, Celtic Studies, History, Linguistics, Literature*, 42 (1934), pp. 219-46, p. 220.

[26] Thomas is often regarded as having been complicit in Delvin's abduction. Connolly, *Contested Island: Ireland 1460-1630*, p. 82. The letter is signed by: Hugh Inge, Bishop of Meath; George Cromer, Archbishop of Armagh;

blackrent or payments from the crown. Thereafter, he 'apparently withdrew from high politics,' appearing on campaign with Leonard Grey shortly before his death in 1538.[27]

For the Irish chief, O'Connor, somewhat predictably, the primary sticking-point in the Delvin affair had been the latter's refusal to pay the traditional blackrent.[28] More significant, for governance in the lordship in the longer term, were allegations that the belligerence of O'Connor and O'Neill was instigated by Kildare's desire to secure his re-appointment as the king's vice-regal representative in Ireland.[29] The most damning evidence came from reports that Kildare's daughter, Alice, after visiting him in England, and returning to Ireland late in August of 1528, made haste to parley with O'Connor and convey to him the instructions of her father. This was communicated in a letter from the council to the king likely sometime after March 1529, when a certain Sir Gerald McShane gave a deposition corroborating the accusations relating to Kildare's daughter.[30] The allegations accelerated a shift in the balance of support for Kildare on the Dublin council. James Butler wrote that he,

> *with other of the Kinges Counsaill here*, certified the parvers, untrue, and heynous demeanour of my Lord of Kildare is brethern, kynysfoulk, adherentes, and servauntes, far passing the lymytis of ther alliegaunce, to the sore decay and inporysshyng of all the Kingus true subgeyctes here.[31]

In his letter, Butler and his unnamed associates on the council stopped short of a direct indictment of Kildare. However, the new allegations regarding Kildare's daughter the following March more explicitly demonstrated a significant and growing will within the Pale community to embrace a model of governance that sought to reassert English sovereignty, drawing strength

William Preston, Viscount Gormanston; Patrick Bermingham, Chief Justice of the King's Bench; and Patrick Finglas, Chief Baron of the Exchequer.

[27] Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 676; Ellis, 'Nugent, Richard, third Baron Delvin (d. 1538)', *ODNB*; *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 126, p. 317, Cap. 170, p. 443.

[28] O'Connor described it to Walter Wellesley, Prior of Connell, by contrast, simply as a 'Royal grant, which was wont to be given to him and his predecessors.' Nugent, *Guide to the Irish Registry of Deeds*, p. 246.

[29] Connolly, *Contested Island: Ireland 1460-1630*, p. 82.

[30] The signatories, however, are not known. McShane's deposition was sworn 19 March 1529. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 56, pp. 146-7.

[31] Italics mine. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 55, p. 144.

from the cultivation of an unequivocally English identity loyal to the crown. It was an assertive move that, consequently, put Geraldine dynastic ambitions, that had become so intertwined with the native Irish, on notice.

Delvin's approach to governance needs to be understood in the context of an unequivocal assertion of English authority in the Pale. It is easy to regard his actions as governor as those of a reckless man with little sense of the nuances required to administer the lordship. But his appointment and subsequent actions represent an expression of the desire of the crown and many Palesmen to end a frustrating *status quo* and find a way to dislodge Kildare and magnate rule from the lordship's administrative repertoire. So much had been made evident in the treatises composed by the Palesmen and in the correspondence of the crown through the 1510s and 20s. But Delvin sought to end the *status quo* in the absence of crucial diplomatic skills and a well-established *manraed* that had buttressed the vice-regal terms of Kildare and Butler, magnates with much larger incomes, local networks of alliances, and deep affinities amongst the native Irish. Surrey's expedition of 1520-2 might be regarded as having sought the same ends, but the diplomatic and provisioning shortcomings of his campaign were made up for by a not insignificant complement of some 500 troops. Delvin possessed comparably fewer advantages.

The premature end of Delvin's tenure as deputy marked the end of another of the crown's experiments in the lordship's governance, but it further informed administrative understanding in London and augured additional action.

Piers Butler, A Reluctant Deputy

Delvin's tenure further demonstrated the dangers of the Kildare affinity, of Kildare himself, and magnate authority in general. In addition to the mounting evidence against Kildare was the related and perhaps more salient point that disorder in the lordship on numerous occasions since the late fifteenth century had found its origins in a source quite apart from the native Irish. The traditional antagonists of Gerald of Wales' descriptions of Ireland, perennial enemies of civility

and obstacles of law, education, tillage, and all good manners – the Irish[32] – were pawns, victims even, in the seditious machinations of men who identified as English lords, but behaved more like tyrannical, dynastic Irish chiefs. For Henry, no less than for Wolsey or his protégé, Cromwell, the circumstances of the lordship would have borne no small resemblance to the civil disturbances of the previous century generated by the overweening localised self-interest of overmighty lords, a phenomenon that had been described in the reform treatises of 1515. It is, of course, a resemblance not lost on subsequent generations of historians who frequently reference the vestigial 'bastard feudalism' of late-medieval and early-modern Ireland and England.[33]

In spite of the dangers presented by the native Irish, it was still recognised – even in the wake of the Delvin incident – that the Irish septs were acting according to their own peculiar but predictable political principles, one that required managing rather than extirpation. The best way to do that, the king and Wolsey seem long to have known, was for the crown to continue efforts

[32] Montaño discusses the influence of Gerald of Wales' thirteenth-century descriptions of the native Irish on the reform tracts of the sixteenth century, referring to a 'new anthropology of the Renaissance,' drawing in other historical influences like 'Hesiod's equation of barbarism with the absence of tillage.' Montaño, *Roots of English Colonialism*, p. 283; Hesiod, *Theogony and Works and Days* (Oxford, 1988), p. 41. The influence of Gerald's observations about the Irish are evident also in the late sixteenth-century writings of Edmund Spenser. Nicholas Canny, *Making Ireland British, 1580-1650* (Oxford, 2001), p. 47, and n128 on the same page. See also: John Gillingham, *The English in the Twelfth Century: Imperialism, National Identity and Political Values* (Woodbridge, 2000), p. 145. For a rare, compelling assessment of the influence of Gerald of Wales on English writers and policy-makers, Gillingham points to John Lynch (died *c*. 1677), an Irishman writing under the *nom de plume* Gratianus Lucius, who observed in 1662: 'I know the wild dreams of Giraldus have been taken up by a herd of scribblers, and embellished by the accession of many stories of similar stamp. It may, therefore, appear imprudent for me to enter the lists, alone, against so many; alone to contend against a torrent of writers…But these writers are like a troop which blindly obeys the general, without questioning his authority; they follow him, either because they have to doubt of his integrity, or because they are animated by the same fell spirit of calumniating the Irish, and, like asps…imbibe poison from the viper.' John Lynch, *Cambrensis Eversus (1662)* (Dublin, 1848), p. 103; Nollaig Ó Muraíle, 'Lynch, John (d. in or after 1677), historian', *ODNB*, Accessed 9 Nov. 2018, http://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-17256.

[33] Bastard feudalism is defined by Michael Hicks as 'the set of relationships with their social inferiors that provided the English aristocracy with the manpower they required.' Nevertheless, he points out that the term is an artificial one fraught with complexities, but it was 'a *central* mechanism for the waging of war, the conduct of local government, the operations and consultations of national government, and for the administration of justice,' but so too 'it was also the means whereby civil war was waged.' Hicks contends that '[a]t no point during the Tudor and Early Stuart period was the crown committed to the destruction of noble power.' Michael Hicks, *Bastard Feudalism* (New York, 1995), pp. 1-2, 202. The evidence for early sixteenth-century Ireland, however, does not entirely bear this out. For the term's application in the Irish historiography, see, for example: Lennon, *Incomplete Conquest*, p. 75 and 146; Ellis, *Tudor Ireland*, p. 93; Bradshaw, *Constitutional Revolution*, pp. 20, 38, 40, 42, 51, 100-101.

to dislodge Kildare from his native allies and from the political magnetism that seemed continuously to draw him into the office of deputy – a position that gave him the opportunity to insert himself into the middle of a relationship based on notions of mutuality and commonweal, damaging what should have been a direct affinity between a king and his subjects, be they English *or* Irish.

It is in this context that Fitzsimons' arguments stretching the era of 'Kildare's Rebellion', usually assigned from *c*. 1534, back to 1528, and the events of Delvin's deputyship, gain significant credence.[34] It was, she argues, part of a continuing 'assault' on Kildare power in which Wolsey's hand throughout the 1520s had been paramount. But it was also a struggle in which, even with Kildare detained in London, 'the Geraldine affinity remained militarily dominant by sheer force of numbers,' buttressed notably by their familial attachment to O'Connor and O'Neill.[35] Assertion of sovereignty was one thing, but its enforcement was quite another.

Fitzsimons observes that the 'Delvin crisis "re-framed" perceptions of Kildare's intransigence, and confirmed the crown's shift in Irish policy away from reforming bastard feudalism to tampering instead with the balance of noble power in the lordship, promoting Ossory's [Butler's] challenge to Kildare.'[36] Indeed, the Dublin council's support of Kildare's brother, Thomas Fitzgerald, as the interim governor, was soon rejected by the crown. Instead, Piers Butler was once more made deputy, taking up the post on 14 October 1528. But undue emphasis should not be placed on the crown's promotion of Butler power at this time. It has been argued rather that the crown had long demonstrated a policy directed towards diminishing magnate authority and the vestiges of bastard feudalism. In the early sixteenth century, Kildare was the most obvious target, but

[34] It is worth noting here that Thomas Luttrell, a Dublin councillor in the 1530s, wrote to the king's commissioners in 1537 that 'The Erlle of Osserye, after being Deputye, in *the fyrst rebellyon* of the traytor this Oconour, and the Garraldynes, after toke coyne…' [Italics mine]. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 184, p. 503. Luttrell obviously felt that the rebellion actually began in 1528-9, for Ossory ceased to be deputy on 4 September 1529, providing some support for Fitzsimons' claim.

[35] Fitzsimons, 'Wolsey, the Native Affinities', *Regions and Rulers in Ireland, 1100-1650*, p. 116.

[36] The crown continued this policy of 'erosion', introducing a bill in 1531, shortly before Kildare was re-appointed deputy, revoking his claim to absentee lands in Carlow, Kildare, and Wicklow. These were re-leased to Butler in 1532. Fiona Fitzsimons, 'The Lordship of O'Connor Faly, 1520-1570', in *Offaly: History and Society, Interdisciplinary Essays on the History of an Irish County*, (eds.) William Nolan and Timothy P. O'Neill (Dublin, 1998), pp. 207-42, p. 213; Quinn, 'Bills and Statutes of the Irish Parliaments', pp. 132-34; Fitzsimons, 'Wolsey, the Native Affinities', *Regions and Rulers in Ireland, 1100-1650*, p. 114.

Desmond and Butler were nevertheless included by default. While the crown may have been 'promoting Ossory's challenge to Kildare,' it was only a temporary measure. Wolsey's prevarication regarding Butler's appointment was made clear in his communications with the king;[37] and Norfolk's arguments expressing concern about Butler's precarious position in the south were compelling and, in fact, prophetic.[38]

Henry was not swayed by either Wolsey or Norfolk, his closest advisors, but his appointment of Butler was no rebuff; it was only ever intended as temporary. Just as Norfolk had supposed, Butler's difficulties centred on his distance from the Pale, and his inability to circumvent what he maintained were attempts by Kildare to impede him by inciting his kinsman, O'Connor, to attack him on his way to the Pale. While there were rumblings of dissent on the council,[39] many influential Palesmen felt compelled to continue supporting Kildare, fearing that, as so often in the past, he would regain the king's favour, return to Ireland as deputy and, inevitably, punish them.[40]

An undated letter of the council, composed sometime during Butler's tenure, complained of Kildare influence in and around the Pale: they had 'strong garisones, habundaunce of ordynaunce, and knoulege of the contre;' Kildare's steward, Walter Delahide, had failed to transfer ordinance to Butler in his capacity as deputy; Kildare's kinsmen and adherents were not cooperating with the new regime; march captains, including the 'Tyrrelles, Daltones, Dyllones, Petites, Tuytes, and the Ferollis' were taking Kildare's part against Butler; and the problem of O'Connor impeding Butler passage into the Pale was once again raised. It would have come as no surprise to the king that Butler accordingly appealed to him for 'an armye, well harnysshed with ordynaunce and all necessaries, for the rescues and socours of this Englisch pale…*tyl His Grace may bettyr provide for the reformation therof*.'[41] Even Butler was under no illusion as to the very temporary nature of his office, and that the crown's agenda for reform could not rely solely on

[37] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 52, pp. 136-9.
[38] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 51, p. 136.
[39] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 55, p. 144.
[40] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 54, p. 143.
[41] Italics mine. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 56, pp. 145-47.

him. Unsurprisingly, then, Butler's final spell as deputy lasted for under a year; in a very short time thereafter, only a man 'of England born' would inhabit the office.

The political experiments of the crown involving Delvin and Butler were necessary interim measures that nevertheless demonstrated a consistency affirming the reformist agenda of the crown through the 1520s, encouraging and continuing a policy of eroding Geraldine, and, indeed, all magnate authority, promoting the power of the Dublin council as an effective alternative instrument of crown sovereignty in Ireland.

A 'Secret Council' and an English Deputy

Very little is known of the tenure of a 'secret council' of three that bore the functions of the deputy between 1529 and 1530; the *State Papers* are all but silent on the matter, offering only the instructions provided to former royal commissioner and experienced soldier, William Skeffington, on the eve of his swearing-in as deputy on 24 August 1530.

The so-called secret council was commissioned in September of 1529, and comprised Archbishop of Dublin, John Alen; Chief Justice, Patrick Bermingham; and Treasurer and Prior of Kilmainham, John Rawson. While it 'was in line with what the cardinal had attempted in the north of England and Wales in the mid-1520s,' in the Irish context, it was clearly a stop-gap of sorts, which, while meaningful as a vague auspice of change, produced little result by way of any reform on the ground.[42] But its significance as a token of reform was amplified somewhat by the fact that two of the three on the secret council could be said to have possessed reservations about Kildare's influence in the lordship: while Bermingham had petitioned for Kildare's return in early 1528, Archbishop Alen had long been a servant of Wolsey;[43] and Prior Rawson appears to have had the confidence of James Butler, along with Robert Cowley, bearing his letters to Wolsey later that

[42] Lennon, *Incomplete Conquest*, pp. 101-2.

[43] Alen had caught the eye of Wolsey in the 1510s and was recruited to be his commissary-general in 1519, a year after having indicted him in Star Chamber on a charge of *praemunire*. In that office, he was tasked with attaining 'the practical realization of the cardinal's legateship throughout both provinces of the English church,' and to 'effect the intrusion of the cardinal's authority upon competing ecclesiastical jurisdictions,' thus leading 'the assault on episcopal independence by carrying out, in Wolsey's name, the much resented legatine visitations in certain dioceses.' James Murray, 'Alen, John, Archbishop of Dublin (1476–1534)', *ODNB*, Accessed 18 Nov. 2017, http://www.oxforddnb.com/view/article/377.

same year.[44] The reform effort was also augmented in June the following year by the conferral of the title of Lieutenant of Ireland on the king's illegitimate son, Henry Fitzroy, Duke of Richmond and Somerset, then just ten years of age.[45]

At least as early as 1515, one of the compilers of the 'State of Ireland' had bruited the idea that the king should make his eldest son the 'prince of Ireland'.[46] In 1527 and 1529, there had been rumours in Spanish circles that Henry intended to make Fitzroy, 'a bastard son', king in Ireland.[47] Quinn speculates that Henry's appointment of Fitzroy may have been a calculated move 'to give some substance to these rumours, possibly with the intention of bringing Richmond into active association with the Irish administration at a later stage.'[48] This suggests that the crown may have had a longer-term plan for reform.

In July of 1529, shortly before the crown conferred the governance of the lordship on the secret council, Henry had commissioned Skeffington – in the last months of Butler's deputyship – to report to the king on the military situation in Ireland, and he remained there in that capacity until March of the following year. His job was doubtless made simpler by the death on 18 June 1529 of the troublesome Earl of Desmond, who had been conspiring with the French and Spanish for some time.[49] By contrast, Desmond's brother, Thomas, who prevailed in the ensuing scramble

[44] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 55, p. 144.
[45] Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 676.
[46] 'Report on the State of Ireland', BL Add. MS 4792, f. 107v.
[47] *LP (1526-8)*, vol. 4-2, Cap. 2988, pp, 1342-3; *CCM (1515-74)*, vol. 1, Cap. 33, p. 43. Similar rumours from centuries past were not unheard of: Richard II, for example, was said by the chronicler Adam Usk (*c.* 1352-1430) to have 'planned to crown Thomas Holland, duke of Surrey, as king of Ireland in Dublin.' Jenni Nuttall, *The Creation of Lancastrian Kingship: Literature, Language and Politics in Late Medieval England* (Cambridge, 2007), p. 22; Adam Usk, *The Chronicle of Adam Usk, 1377-1421* (London, 1904), p. 190.
[48] D.B. Quinn, 'Henry Fitzroy, Duke of Richmond, and His Connexion with Ireland, 1529–30', *I.H.R. Bulletin*, 12, 36 (1935), pp. 175-7, p. 175.
[49] An attainder against Desmond was promulgated in 1528 'for "recetting" Frenchmen in Ireland, when they were the King's enemies…[and] sending secret messages to Francis I, to incite him to send an army into Ireland, and making confederacies with the King's Irish rebels.' *LP (1526-8)*, vol. 4-2, Cap. 3818, p. 1698. For interactions with the Spanish, see: *LP (1526-8)*, vol. 4-2, Cap. 4878, p. 2110, Cap. 4911, p. 2131, Cap. 4919, p. 2135, Cap. 5002, p. 2173. Also see: Anthony M. McCormack, *The Earldom of Desmond, 1463-1583: The Decline and Crisis of a Feudal Lordship* (Dublin, 2005), pp. 64-8.

for power, was open to settlement with Butler and the crown.[50] But the situation in Ireland was evidently such that it warranted Skeffington's presence well into the tenure of the secret council.

Skeffington's significance as something of a leader in the context of the secret council, which began governing in September 1529, is evident in the agreement between Butler and the king made on 4 November 1529, where his position as advisor to the king is noted, and he is listed first among the signatories.[51] But the relationship between the four men was never made entirely clear, raising questions about whether the crown had yet committed to the policy of solely appointing an English governor.[52] In a letter of the king to the Dublin council when the scheme was being introduced, he commanded them to give 'unto owr saide counsaillour [Skeffington] as ferme credence in all such things as he shall sheve [*sic*] unto you on owr behalf.' Yet they were also 'to proceed by thorder and aduise of the kings counsaile named in his commission deliuered the saide Sir William Skeffington auctorising them as the kings Deputis.'[53] These instructions signalled on the one hand a shift towards a more direct royal hand in the lordship's governance, elevating an English deputy as well as promoting the authority of the Dublin council, both moves that had been pressed or encouraged in reformist writing over the past two decades.

Henry's seemingly tentative and uncertain instructions at this time might be pardoned given his chief minister's contemporaneous fall from grace and the increasing attacks from his enemies at court who began to circle their injured prey. Nevertheless, the instructions were consistent with

[50] James was succeeded in the earldom by his uncle, the twelfth earl, Thomas Fitz Thomas (d. 1534), who came to terms with his brother John (who would succeed him in 1534) and maintained good relations with Skeffington. Moody, Martin and Byrne, *NHI: Maps, Genealogies, Lists*, vol. 9, pp. 168, 233; Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 677; McCormack, *The Earldom of Desmond*, p. 68.

[51] The agreement contains proscriptions against unlawfully retaining men, ensuring the safe conduct of the king's subjects and messengers through his lands, enforcing the resistance of the provisioning of benefices by Rome, and guidelines for conduct in his relations with the new Earl of Desmond. *COD (1509-47)*, vol. 4, Cap. 149, pp. 133-35. The date of Desmond's submission to the crown is erroneously recorded in Quinn's chapter in the *NHI* as 1523; it should read 1532. Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, 2, pp. 677-78. For the submission, see: *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 61, pp. 160-1.

[52] Quinn posits than Skeffington's influence was perhaps augmented by a negative association of Alen, a member of the 'secret council' with Wolsey during the latter's fall from king's favour. Quinn, 'Henry VIII and Ireland, 1509-34', p. 337.

[53] 'The copie of sundrie clauses', in Quinn, 'Henry Fitzroy, Duke of Richmond, and His Connexion with Ireland, 1529–30', p. 177. Quinn relates that the text is taken from 'P.R.O. State Papers Domestic, Henry VIII, Volume 67, Folios 41*b* and 43*b*.' He also notes that another version is in: *LP*, vol. 5, Cap. 398, pp. 197-8.

the king's and Wolsey's policies through the 1520s and represented enough of an administrative nudge to stymie – although not yet extinguish – the political inertia of Kildare and magnate rule.

The tumultuous state of the lordship's administration is brought into some relief by Finglas' 1529 recension of his 'Breviat'.[54] Maginn and Ellis observe that '[t]he material that he added that year was a response to the belief, expressed by "some men"…that the increased sophistication of the Irish in martial affairs meant that it was more difficult to reform Ireland in the reign of Henry VIII than it was at the time of the original conquest.'[55] They point out that this was primarily owing to 'weak government', but it was a weakness that stemmed from a decade of experimentation by the crown. It was a result of its ongoing attempts to find the best way to move forward with reform, and just what shape that reform might take in circumstances that were accelerating and changing on both side of the Irish Sea: on the one side, Henry continued to seek the means to divorce Katherine, increasingly frustrated by his chief minister's inability to secure the same; on the other side, he had to be content with an administration that ultimately continued to rely on magnate authority, even as further changes were being considered.

That Kildare still held considerable sway was demonstrated by his return to Ireland alongside Skeffington, who had been appointed as deputy, superseding the secret council on 22 June 1530. Both men landed in Ireland sometime towards the end of June 1530, Kildare to 'take up life there as a private person,' and Skeffington to 'consoult, common, and devise with the sayd Counsayle, at good length and deliberation, upon all suche poyntes and mattyers, as by *them* shalbe thought good nowe to procede unto, for the suerty, weale, and defence of that land.'[56] The deputy's instructions illustrate the importance Henry continued to place on the conciliar component of government in the lordship. Henry's instructions did not simply replace one strong man with another: the appointment of a secret council had suggested as much. Skeffington's value to Henry depended as much on his ability as a military captain as it did on his ability as a negotiator.

[54] Referred to in Chapter 2 at p. 84.
[55] They point out that the second recension completed in 1529 was likely owing to a sojourn to London. The later version of Finglas' 'Breviat' found in the Hatfield Compendium and transcribed by Maginn and Ellis in their *Tudor Discovery*, appears to include the additions made in 1529, consisting of the numbered items beginning at Item 38. Maginn and Ellis, *Tudor Discovery*, pp. 32-3. For the transcription, beginning at Item 38, see pp.76-9.
[56] Italics mine. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 57, p. 147; Quinn, 'Henry VIII and Ireland, 1509-34', p. 338.

Despite the settlement of the Desmond earldom on a Fitzgerald friendly to the crown, Skeffington would have to walk a tightrope between the competing demands of Kildare and Butler.

The instructions to Skeffington also reveal an important point relating to another difficulty he would have to face: the native Irish. Henry's words suggest that he still sought the integration of the native Irish into a single English polity, referring to them as 'the Kynges rebellyous *subjectes* of the wyld Iryshry.'[57] The point that he regarded these rebellious native Irishmen as his subjects should not, of course, be over-stated. In Henry's words reside all the ambivalence of a man who, like so many other Englishmen, had little idea of how exactly to proceed negotiating with a people he knew very little about. It is, however, a somewhat delicate point worth noting, for in spite of his provision to Skeffington of two hundred horsemen, these were nevertheless sent in a defensive capacity to resist the Irish in their 'attemptattes and invasions…there to reside and demore upon the tuicion and defence of the Kynges sayd land.' If their defensive mission was not made clear enough, the king unequivocally stated that 'it is not the mynde nor intencion of His Highnes, that the sayd Deputie, or any other, shall employ them, nor any other of the Kynges subjectes in the sayd land, upon makyng of any hostyng, or mayne invasion, upon the wyld Iryshry.'[58] As 'wild' as they may have seemed, Henry was nevertheless consistent in urging restraint.

Equally important as defence from the native Irish was the need to 'conserve and kepe the Kynges sayd good subjectes in good unite, love, and concorde, repressing and reformyng all partyculer grudges and displeasurs, which be, or may growe, amonges any of them.'[59] The greatest of all threats, the king pointedly stated, emphasising the need for great diplomacy, was for the prevention 'chefely and principally, betwene the Kynges right welbelovid Cousins, thErles of Kildare, Desmond, and Ossery,' who, it was recognised, were 'the persons most hable there, with thaire powres and assistences affectually (from tyme to tyme) geven to the sayd Deputy, to resist the malice of thenemyse, and to preserve the Kynges sayd land from invasion and annoyaunce.'

[57] Italics mine. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 57, p. 147.
[58] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 57, p. 148; Ellis, *Tudor Ireland*, p. 119.
[59] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 57, p. 148.

Under the firm but diplomatic hand of a man, as the author of 'A Discourse' had long ago written, 'not Above the degree of A knyght'[60] – a man like Skeffington, as well as with the guidance of a strong but loyal council, it was hoped that the affinities of the magnates could be guided more efficaciously towards restoring the weal and revenues of the lordship, rather than detracting from them.

For Kildare's part, his was to be far from a life of quiet, private retirement. The king instructed Skeffington to cooperate with him, sending him any available troops when actions against the native Irish were required to be taken. In such a manner, Kildare might pacify the regions outside the Pale, while Skeffington secured the Pale itself, and also looked to its northern border. With Butler and Desmond held at peace in the south, Skeffington and Kildare, according to the *Annals of the Four Masters*, 'committed great destruction on the Irish.' It records that in 1530 they subdued O'Reilly, and in 1531 marched into Tyrone 'at the instigation of O'Donnell and of lesser O'Neill septs against the O'Neill,'[61] O'Donnell by then having submitted to the crown.[62] Victories were also had against the O'Tooles and O'Mores, who, in close proximity, had ever posed a threat to the Pale.[63]

There was, of course, always a monetary cost to such success. By May 1531, Skeffington had already spent some £5,000. By the following February, subventions from England were curtailed and he was forced to scale back his retinue. Further limitations followed later in the year when parliament met: Skeffington unsuccessfully sought to persuade members to pass an act for the subsidy,[64] forcing him to fall back on antiquated methods of revenue-raising by levying scutage,[65] which was rarely sufficient to meet costs. An act that did pass resumed absentee lands from

[60] 'A discourse of the cause', BL Lansdowne MS 159, f. 9v.
[61] *AFM*, pp. 396-7.
[62] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 58, pp. 151-3.
[63] Lennon, *Incomplete Conquest*, p. 102. Holinshed's reports only Kildare's movements against the O'Tooles. Stanihurst, 'The Chronicles of Ireland', *Holinshed's Chronicles*, vol. 6, p. 284.
[64] Quinn, 'Bills and Statutes of the Irish Parliaments', pp. 125-36.
[65] Scutage was 'the monetary composition arising out of the obligation of the king's military tenants to serve in the royal army for a period not exceeding forty days in a year.' In Ireland, scutage 'remained a useful source of revenue in Ireland until the administrative reorganisation from 1534 onwards.' Steven G. Ellis, 'Taxation and Defence in Late Medieval Ireland: The Survival of Scutage', *The Journal of the Royal Society of Antiquaries of Ireland*, 107 (1977), pp. 5-28, p. 5.

Kildare and handed them over to Butler, alienating the former, while rumours of Skeffington trying to play one earl against the other undoubtedly contributed to subsequent Butler complaints sent to London, as did the kidnapping of MPs traversing the route from Kilkenny to the Pale.

Unsurprisingly, Prior Rawson and Patrick Bermingham were brought over and questioned by the London council at Greenwich in May 1532, apparently with little positive to report.[66] They accused Skeffington of maintaining thieves and some of the Ulster O'Neills; of appropriating monies from fines; of having acted without the council's advice or knowledge in negotiations with O'Reilly; of exporting wool to England for his own profit; of having given licenses to export corn and wool to the jeopardy of the livelihoods of king's subjects; of engrossing and price-gouging; of failing to call and attend musters appropriately equipped; of favouring Butler; and finally, they also reported on continuing disagreements, leading to violence, between Butler and Kildare.[67]

Piers Butler's son, James, was also not enamoured of the deputy. He complained vigorously in a letter of 20 June 1532 to Robert Cowley, then in England with the Irish Master of the Rolls, John Alen, and Chief Justice Patrick Bermingham, that Skeffington was playing both sides. He was, James asserted, attempting to appeal to Kildare supporters like the new O'Carroll chief by tolerating incursions and even going so far as to offer up the towns of Rosscree and Nenagh, in Butler territories, to him. He had lately, too, been cultivating amiable relations with another great Kildare supporter, O'Neill. And on a recent trip to Dublin made by James' father, the Earl of Ossory, Skeffington had 'moost cruelly intreated [him]…so that my said father have had suche rebuyke therby thrughoute all this land.' In short, Skeffington, like the Kildare earls before him, was behaving as 'suche a tyrannyus sorte,' and James could in no way follow his lead, seeking instead guidance – not from the council, who were too weak to stand up to the deputy – but rather from Cromwell and the king himself.[68] With little prospect of rehabilitating either the

[66] Ellis, *Tudor Ireland*, p. 120; Lennon, *Incomplete Conquest*, pp. 102-3; Quinn, 'Henry VIII and Ireland, 1509-34', pp. 338-9. For Butler's complaints, see: *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 59, pp. 153-55.
[67] *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII (1529-32)* (London, 1864), vol. 5, Cap. 1061, pp. 480-1.
[68] Henry Ellis, *Original Letters, Illustrative of English History: To 1795*, (London, 1827), vol. 2, Cap. 109, pp. 48-54.

councilmens' or the magnates' opinions of Skeffington, Henry recalled him, opting to return once more to magnate rule in the lordship.

Reform in 1532-33

By 1532 it was clear to some gentlemen of the Pale that the most immediate threat to their interests, as well as the crown's, was without doubt the Earl of Kildare. The trouble had begun in 1528 with the kidnapping of Lord Delvin. Kildare's attempt to utilise schemes similar to those of his forbears leveraging family's connections to regain the deputyship had not immediately worked: a succession of men, comprising three governors as well as a 'secret council', were appointed between 1528 and 1532. But by 1532, with a little assistance from prominent members of the court like the earls of Wiltshire and Norfolk, Kildare was reappointed deputy on 5 July 1532, still retaining significant support on the council.[69] It was the repetition of this pattern – one part crown indulgence, one part exasperation on the part of the Dublin council, and one part skilful manoeuvring by the earl – that caused some members of the Dublin administration to break with the past and initiate more strident calls for the dismissal of Kildare, just when he was once more taking up the reins of power.

One such individual, who was to prove one of the most prolific reform writers of the 1530s, was Robert Cowley, a man with extensive – if not natal – roots in Ireland. He had been a vocal enemy of Kildare since his dismissal along with William Darcy from the eighth earl's baronial council in 1513. But it is only in 1532 that we see the beginnings of what would become the principal components of an increasingly radical and coercive framework for reform, one that marked a significant shift away from the problem of bastard feudalism. In a few years, combined with the realignment of personal interests after the first dissolution of the Irish monasteries, his programme would come more and more to focus on the problem of the native Irish. In 1532,

[69] Quinn points to Cromer, Delahide, Rawson, and Bermingham as Kildare adherents. Of these, given his previous approbation by Butler's son, James, I would question only Rawson. At the very least, Rawson was a moderate, looking more towards the interests of the crown and council than any one magnate. Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 682.

however, his arguments and energies were directed towards a lasting eviction of Kildare from the seat of authority in Ireland.

Robert Cowley's 'A complete resume of the state of Ireland' (c. 1532)[70]

The manuscript copy of Robert Cowley's 'Resume' was initially attributed to Archbishop Alen but was later amended with Cowley's name. Unpublished in its entirety, like many treatises it has been generally treated only briefly by historians, and often considered part of the long-standing factional struggles between the Geraldines and Butlers. Bradshaw, too, initially describes it as 'press[ing] the attack on behalf of the Butlers.' In that respect, he says, it stood alongside Skeffington's contemporaneous testimony;[71] the missions of Thomas Cusack and Thomas Finglas to London to push for the sort of reform the elder Finglas – Patrick – was himself once more calling for in the second recension his 'Breviat' of 1529 (and again in 1536-7, in his final recensions);[72] and, most potently, in the widely endorsed report of John Alen that 'vented no personal spites and had no axe to grind except political reform.' The gradually aligning purpose of all these exhortations for reform, Bradshaw asserts, in spite of their focus on diminishing Kildare authority, amounted rather to a broader attack on magnate authority. It was, he says, a '[plea] for the rescue of government from their control.'[73]

Cowley's 'Resume' sidelines historical detail: prior English struggles were of little concern.[74] In fact, the salient feature of English involvement in Ireland since the twelfth century was that it

[70] 'Resume', TNA SP 60/6, fos. 117r-122v. The manuscript is attributed by the copyist to John Alen, Archbishop of Dublin, but a marginal note suggests, rather, Robert Cowley. The editor of the *Letters and Papers* has catalogued it under the year 1538, titled 'R.O. Ireland' and describes the manuscript as follows: 'Book giving a complete resumé of the state of Ireland apparently about the year 1532, with an account of the different chieftains and factions, and particularly of the ascendancy of Kildare. It was attributed, in some prefatory words by the copyist, to abp. Allen, but afterwards, in a marginal note, to Robert Cowley, "Master of the Rolls," and a new heading was written for it on a separate slip as follows: - "After the execution of these Geraldines, Robert Cowley, Master of the Rolls in Ireland, having before plotted with John Allen, abp. of Dublin, Sir John Allen, knight (before him in that office), and Thomas Canon, secretary to Sir William Skeffington, delivered unto the King in writing the state of the realm of Ireland, the dangerous disposition of the Geraldines, and the mischief by way of caveat to be prevented, the which I thought good to acquaint the posterity withall as followeth."' *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII (1538)* (London, 1892), vol. 13-1, Cap. 883, p. 324.

[71] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 67, p. 181.

[72] Maginn and Ellis, *Tudor Discovery*, p. 30.

[73] Bradshaw, *Constitutional Revolution*, pp. 95-6.

[74] 'Resume', TNA SP 60/6, f. 118r.

had been a conquest of the entire island. It was by now an ancient title granted by the virtue of exploits of war and diplomacy, and it was one that was very much valid in the present: it formed the corner-stone of all contemporary claims and, for Cowley, needed no further elaboration.[75] All that was required was a plan to re-assert and enforce those claims by gaining an accurate knowledge of Ireland's power-brokers, how to leverage their support, and how to undermine those of their number who would seek to usurp those long-standing claims.[76] To this end Cowley provides a description of the five provinces of Ireland which differ from traditional reform literature insofar as his inventories of its most influential English families are geared not towards a description of how many soldiers or horsemen they might contribute to the defence of the Pale, but rather almost entirely towards a universal condemnation of their utility to the crown.[77]

Description of the Provinces: Irish Chiefs and English Lords

Ulster, of course, had long been re-taken by native Irish septs such as O'Neill and O'Donnell, Maguire, Magennis, as well as Scottish colonists like the McDonnells, now inhabiting the region near Carrickfergus, and a handful of Anglo-Irish families like the Savages, whom Cowley describes as nevertheless 'disob[edient]'.[78] The O'Donnell chief, Cowley pointed out, was now an old man, soon to be succeeded by his son, Manus O'Donnell, who was married to O'Neill's sister and could be expected to support Kildare, putting any reassertion of the claim of the crown over Ulster as well as Connacht in jeopardy. Manus was regarded as shrewd and capable, and had cultivated an 'amity' with the Scottish king; he was a danger, Cowley insisted, the king could deal with later only at his own peril.[79] Meath was home to several 'English lord[es] obedie[n]t to the lawe,' as

[75] Importantly, this suggests that some reformation literature, like Cowley's recommendations, may have held some influence with the crown. R. Dudley Edwards, for example, notes that draft bills for a parliament that was intended to be held in 1535 'were to deal with the question of recognising the royal right of conquest as a basis for resuming all lands as an alternative to a less drastic plan of reformation.' R. Dudley Edwards, 'The Irish Reformation Parliament of Henry VIII, 1536–7', *Historical Studies*, 6 (1968), pp. 59-84, pp. 61-2. In this regard, see also the Treasurer, William FitzWilliam's note to Cromwell observing that 'His Highnes was in doubt, whedre he were or might better take the said landes by reason of his said conquest, or elles by Act of Parliament.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 135, p. 342.
[76] 'Resume', TNA SP 60/6, f. 117r.
[77] The descriptions of the provinces beyond the Pale are found in the initial folios: 'Resume', TNA SP 60/6, fos. 117r-118r.
[78] 'Resume', TNA SP 60/6, f. 117r.
[79] 'Resume', TNA SP 60/6, f. 121v.

well as numerous Irish chiefs, and harboured the important borough-towns, Athboy, Navan, and Trim. Like Ulster, Connacht was all but lost to the crown, in spite of several Anglo-Irish families, like the Burkes and the Berminghams inhabiting there, for 'these diverse gentleme[n] of english race…[were] 'disobedie[n]t and rebellious.'[80] Numerous native Irish families, like the O'Reillys and O'Kellys, resided there as well. Leinster was notable mostly as the home of the earls of Kildare and Ossory, as well as powerful native Irish families in close proximity to the Pale: O'Byrne, O'Toole, and McMurrough. The internal leadership struggles of the latter had been lately interfered with by Kildare who supported one *tánaiste* at the expense of the king's choice, who had, according to Cowley, approached Skeffington and sought legitimacy from the crown.[81] Leinster was also home to the midland native Irish families: O'Connor and O'More. It was significant, too, for its towns: Dublin, Wexford, Ross, Wicklow, Arklow, Carlow, Leighlin, Gowran, and Naas. Finally, Munster was home to the Earl of Desmond, another Geraldine who 'w[i]thholdeth from the kinge a great portio[n] of his inheritans.' Other 'Englishe lord[es] gentlemen and freholders of thenglish conquest' inhabited its spaces, but these, like Desmond, were 'all in maner disobedient.' Again, powerful Irish chiefs also inhabited Munster, like the McCarthys, McMorrises, and numerous others. The great towns of Limerick, Waterford, and Cork, as well as trading towns and havens like Dungarvan, Youghal, and Kinsale were scattered throughout. Importantly, the 'strongest ma[n] of his owne power' dwelt in the westernmost regions of Munster: the native Irish chief O'Brien, who 'co[n]quereth most landes of any Irishma[n].'[82]

The main point of Cowley's description, by his own telling, was to demonstrate the degree to which, in spite of the prevalence of many Englishmen 'of the conquest' in the far-flung regions of Ireland, the king was nevertheless 'out of possessio[n] of his reveneues and old inheritans' owing to their manifest disobedience.[83] The theoretical usefulness of the Anglo-Irish lords beyond the

[80] 'Resume', TNA SP 60/6, f. 117v.
[81] The crown favoured 'Dowling Kavenagh', whereas Kildare favoured 'Cahir McInnycrosse', with whom the earl had fostered. 'Resume', TNA SP 60/6, f. 121r.
[82] 'Resume', TNA SP 60/6, f. 118r.
[83] 'Resume', TNA SP 60/6, fos. 117r-118r. It is interesting to note that Cowley alludes to the phenomenon of subinfeudation at the end of his descriptions of the lords and chiefs of the five provinces, although it is not clear if he held any opinion regarding its benefits or pitfalls.

Pale lay in their ability to assist in the enforcement of the crown's sovereign claims. It had always been assumed that these English lords would meet those expectations. But as Cowley observed, with very few exceptions, the reality was, rather, a predilection to 'disobedience', a shirking of their duties, and an overall obstruction of English sovereignty in Ireland.

The Palesmen

The most interesting aspect of Cowley's outlook as it stood in 1532, and in this treatise in particular, is his effort to illustrate that the *greatest* danger lay not beyond the marches of the Pale, in the lands of the Irish chiefs, nor in the far-flung counties of the great magnates and marcher lords, rather that it came from within the bounds of the Pale – from the Palesmen themselves.

It was, Cowley proposed, a danger borne of centuries of a quite reasonable assumption that the gentry and nobility of the Pale could always be counted on to defend it from external threats, whether from rebel magnates, the native Irish, or foreign interests. Now, Cowley contended, the Palesmen possessed 'no redy me[n] of warre.' Such men as they had could neither 'spoile, nor burne a co[n]trey or…resist an invasio[n],' rather, 'they be footemen meete for a caddell.'[84] They therefore had no choice but to rely upon their Anglo-Irish neighbours in the marches of Dublin and Meath, as well as from Counties Kildare and Uriell: Dalton, Dillon, Tyrell, Delamere, Bermingham, and the Walshes.

But Cowley warned that these Anglo-Irish families – their captains and leaders – had been subverted or subdued by the Earl of Kildare and his father who

> purchaced the grete qua[n]titie of the landes of those co[n]trys and pla[n]ted their sonnes, bretherene, w[i]th oth[er]s of their scept, fosterers and follow[er]s there. By meane whereof and such retayners as they used for the weakenynge of the said captaines strengths, w[i]th oth[er] their opp[re]ssions and extortions unresonable, aft[er] the Irish maner, they have in effect subdued the power of the said captaines, and

[84] The author appears to be referring to a 'caddle': a 'dispute, noise, contention, confusion,' or 'to coax; to spoil.' The Pale soldiery (if that they might be termed) were useful, according to Cowley, only for pedestrian skirmishes rather than the resistance of more the more violent raids of the native Irish and rebel English. 'Resume', TNA SP 60/6, f. 118v; Halliwell, *Dictionary of Archaic and Provincial Words*, vol. 1, p. 226.

> co[n]v[er]ted the obedience and strength of those marches to them and their heires.[85]

The Plunketts, lords of Kileen and Dunsany, in the Pale, could muster horsemen, but to little effect. Viscount Gormanston and the Baron of Slane were married to Kildare's daughters, 'so as they will doo nought but what may [stand] w[i]th his pleasure.' To the north of the Pale, in Uriell, the men there were either Kildare's 'pensioners' or 'in such amitie w[i]th Oneil, that litle good is there to be expected.' Even the Walshes – critically, just three miles south of Dublin – could not be counted on to enforce the king's writ, rather 'the Erle of Kyldare (albeit he were an hundred myles fro[m] Dublin) sendinge his l[ett]re or a vile boy of his to them or the chief of them, they wold speedely repaire to him.'[86]

These men, who had once been counted on as loyal to the crown, had come one way or another – willingly or unwillingly, directly through marriage, or laterally through alliances – to support Kildare. The Palesmen, therefore, without adequate numbers of well-trained soldiery, had little choice but to rely on his willingness to defend them. If any Palesman or marcher bethought himself to diverge from the trajectory of Geraldine interests, he found himself very quickly isolated and threatened.

The Great Magnates

Unsurprisingly then, the great magnates – Kildare, Butler, and Desmond – were critical to influencing the degree to which English authority in Ireland could be enforced. These were magnates whose primary regions of influence, the basis of their wealth and power, were situated well beyond the Pale. As territorially distant entities, possibly harbouring their own dynastic pretensions, their interests could be expected to diverge from time to time from those of the Palesmen. Like the Earl of Desmond, who had recently made overtures to England's enemies, France and Spain, or like the native Irish, prompted by Kildare, who made frequent raids through the marches into the heart of the Pale, it was always possible that any magnate – depending on

[85] 'Resume', TNA SP 60/6, f. 118v. Cowley's use of the word 'planted' here, while harking back to the eighth Earl of Kildare's displacement of members of the O'Toole sept, is obviously significant for its implications relating to English plantations, like that in Leix and Offaly in the 1550s.
[86] 'Resume', TNA SP 60/6, fos. 119r-119v.

his interests and temperament in the moment – might come to present a significant threat to crown sovereignty. In the matter of Desmond and Kildare, that eventuality had been proven on several occasions – a fact Cowley made sure to press.[87]

Piers Butler, now Earl of Ossory, was also a powerful magnate but, Cowley elaborated, he was a threat to neither the Palesmen nor the crown. He argued that Butler contrasted in every possible way with Kildare. Instead of encroaching on the crown's jurisdiction, Piers had proven himself a useful ally in its expansion and enforcement. Throughout the 1520s he had also demonstrated, as the Kildare earls had done for half a century, that most important characteristic of leadership in Ireland – the ability to cultivate effective political links with native Irish leaders, harness their military might, and supplement their own *manraed*.

If the loyalties of the Palesmen were to be brought once more in line with the crown's, wooed away from the divergent path Kildare was leading them along, and the latter's arrogation of crown authority in the lordship halted, Piers Butler, Cowley reasoned, was just the man the king should come to rely upon. Butler, he explained, had a long and noble pedigree, and was of a family known more than any for its loyalty to the English crown.[88] Butler's abilities to remain an effective appendage of crown interests in the lordship, however, were contingent on his links to the native Irish, like O'Carroll, O'More, O'Connor, and McGillipatrick, all families of the midlands, in what Cowley described as 'the hart and best place of Ireland.'[89]

The main thrust of Cowley's treatise, then, was to describe the advancement of Kildare power well beyond the borders of the Pale, almost entirely at the expense of Butler, 'so as thus it appeareth howe the Erle of Ossories winges and fethers be plucked away.' Kildare, he claimed, had shrewdly married his daughters to the O'Connor and O'Carroll chiefs; he had unilaterally subdued O'More in 1523 shortly after his return to Ireland while Butler was deputy; and he had

[87] 'Resume', TNA SP 60/6, f. 120r.
[88] Butler was descended of ancestors who had 'bene first Erles of Carrok, Erles of Gowran Erles of Typp[er]arie, Erles of Ormond Erles of Wilshire [and] last of all of Ossorie…the said Erles Auncestors and blood have not only bene true to the king[es] of England (and expecially to the kinge that nowe is, and his fath[er] of most noble memorie) but also have aswell aided to their best the king[es] deputies there, and resisted such rebellions as have bene attempted w[i]thin the land.' 'Resume', TNA SP 60/6, f. 117v and 120r-120v.
[89] 'Resume', TNA SP 60/6, f. 119v.

been involved in the death of Piers' son, Thomas, at the hands of McGillipatrick's brother, complicating Butler's relationship with that affinity.[90] Kildare's own son had ensconced himself at Rathwire, and there was a danger that he might give it over to O'Connor.[91] Yet Kildare had gone even further, seducing Butler's own blood: James, Baron of Dunboyne, and Piers' illegitimate son, Edmund, Archbishop of Cashel, as well as Piers' son-in-law, Richard Power, a captain in County Waterford.[92] On their own, these were comparatively small threats, to the king and Piers both. But the erosion of Butler power in Ireland, particularly insofar as it had once been significantly buttressed by the native Irish, had evolved successively on the occasions of Kildare's repatriations to Ireland after short periods of royal disfavour; and each time, Butler's 'feathers' had, one-by-one over the decade, been 'plucked away.' With each diminishing of Butler's affinity, the crown, too, lost more and more ground where it might rather have been making gains – not only solidifying its base in the Pale, but re-invigorating – in Cowley's eyes – its just and sovereign claims to the entire island.

Cowley's warnings about the Earl of Kildare were hardly prophetic. As early as 1528, the words 'treason' and 'rebel' had been bandied about in an unsigned letter of the Dublin council to Wolsey and the king, at a time when Kildare was already under suspicion and in London, and just after Delvin had been taken by O'Connor. The authors of that letter linked Kildare to O'Connor, imputing that there existed a confederacy between them that encouraged 'hostile invasions and roodes…up on the Kynges subgietes.' O'Connor's later statements cast further suspicion on Kildare: he expressed his derisive contempt of English royal authority to a messenger of the council, saying 'with pompe, that he trustid, if he moght lyve on yer, to se Irland in that case, that the Kyng schold have no juridiction of intromyttyng ther with, and that ther schold be no more name of the Kyng of Ingland in Irland, then of the Kyng of Spayne.'[93] Members of the council, then, and not just a small coterie of Butler-supporters, were growing increasingly suspicious and

[90] 'Resume', TNA SP 60/6, f. 120v; *AFM*, p. 396; Edwards, 'The Ormond Lordship in County Kilkenny, 1515-1642', p. 147.
[91] 'Resume', TNA SP 60/6, f. 119r.
[92] While Cowley regarded these two as allies of Kildare, Quinn notes the same was true also of Desmond. 'Resume', TNA SP 60/6, f. 120v; Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 677.
[93] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 56, pp. 145-6.

worried about Kildare's associations with the native Irish, and his motives for holding onto power, even to the detriment of the lordship's governance and the Pale itself.

In the wake of those events and Kildare's eventual return to Ireland and resumption of the deputyship in 1532, Piers Butler and his servant, Robert Cowley, in their continuing campaign against Kildare, both shrewdly pressed these points directly with the man who was very quickly gaining power as the king's new chief minister, Thomas Cromwell.[94]

Cowley's Solution

Earlier in his treatise, Cowley referred to O'Neill and O'Connor and 'all their friend[es]' as 'the Geraldines of the North'.[95] While it obviously advanced his attack on Kildare to group him in with the native Irish, it also reflected something of the importance that any ambitious lord in Ireland knew was a key component of gaining and maintaining control in the lordship – being able to harness the loyalties of the native Irish septs.

O'Neill's support for Kildare was unlikely to waver any time soon, and the *tánaiste*, Manus O'Donnell, as Cowley had explained, was of an uncertain temperament, had links to O'Neill, and could not be trusted.[96] For the moment, then, control in Ulster had to be sidelined. But in other regions closer to the Pale, the situation was more critical. It was particularly against the king's interest if Kildare controlled the leading Irish of the midlands, as it now appeared: O'Carroll, O'More, O'Connor, and McGillipatrick. These were all families whose ties to the Butlers had formerly been strong. But, Cowley argued, with the king's active support, Butler power might be restored, rendering him as useful to the crown as his ancestors had once been.[97] Butler power in Ireland, as Cowley painted it, stood alone as the one significant buttress against the lordship's complete collapse. These were doubtless rhetorical flourishes, but, given a half-century of Kildare

[94] Piers himself had also established a relationship with Cromwell early in 1532. *SP, Ire., Hen. VIII (1515-37)*, 2, 3, Cap. 59, pp. 153-55; Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, pp. 680-1.
[95] 'Resume', TNA SP 60/6, f. 120v.
[96] Cowley's caution would appear not to have been without foundation: in 1536, Manus O'Donnell, resisting his father's desire that he should fall into line for the sake of the chiefdom's stability, kept himself aloof. The chronicles suggest that he was 'being influence by O'Neill,' the long-time enemy of O'Donnell. 'Resume', TNA SP 60/6, f. 121v; *AFM*, p. 401.
[97] 'Resume', TNA SP 60/6, f. 120v.

success, there was perhaps some sense in his assertion that Butler power was also the one pillar that could be employed to leverage what Cowley believed to be the crown's legitimate claim to the entire island. The other magnates, after all, could not be trusted, and the Palesmen, as Cowley had argued, were either unable or too far under the thumb of Kildare to press the crown's agenda.

The Broader Implications of Cowley's 'Resume'

How Cowley framed his arguments is of particular interest. Many of them were predicated on the idea that Kildare had usurped his authority and liberties from, and at the expense of, the crown. Similarly, his master, Piers Butler, had suffered at the hands of Kildare, whose machinations – primarily through marriage and fosterage – had eroded Butler's critical links to his traditional Irish allies. Locally, Kildare had acquired land and tenants, encouraged and coerced alliances, and generally augmented his *manraed*.

In 1532, Piers Butler and Robert Cowley criticised Kildare for accomplishing all this 'by the sword'. Around the same time as the latter composed his 'Resume', Butler wrote to Cromwell of his fear of incrementally losing his ancient inheritance to Kildare, who 'now makith his awne enherytaunce thereof, *by tytle of the sworde*.' Yet, as distressing as this was to the embattled earl, he continued, it ought to be more so to the king: Butler pointed out that 'the Kinges Grace shuld bee wareful, how to suffre him to have all the strenght of the land, considering the seducious practises of the said Erles auncestres.' In the same letter, he obliquely linked Kildare's unlawful acquisitiveness to a temperamental as well as more general propinquity to the native Irish, describing his frequent recourse to 'featis of warre' as being characteristic of 'the custume of this cuntrey.'[98] Butler hoped to paint Kildare as one whose personal inclinations ran contrary to English intellectual and cultural sensibilities; that he was a man motivated by the unknowable and unpredictable passions of the 'other', the non-English, even, perhaps, 'savage' mentality of

[98] Italics mine. It was, Butler intimated, an option he would himself fall back upon if necessary, although he yet hoped that before then the king might put forward some effective solution. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 59, pp. 154-5

the native Irish; a man who would sooner resort to the 'sword' and 'feats of war' than to reasonable dialogue and negotiation.

Correspondingly, Cowley's 'Resume' is replete with descriptions of Geraldine duplicity and aggression, particularly against the Pale marchers whose lands 'therle of Kildare and his fath[er] have coveted…and in maner have subdued and extinguished all the march captaines there.' Like Butler, Cowley, too, linked Kildare's behaviour to the native Irish, describing the Geraldines and their allies in Irish terms, as a 'sept' of 'fosterers' and 'followers' who subdued the English captains of the marches with 'their opp[re]ssions and extortions unresonable, aft[er] the Irish maner.'[99] It was in some ways a familiar refrain, redolent of the accusations of rule by 'forte main', 'by the sword' or, more directly, it has been argued, by 'tyranny', that had been made by the author of the 'State of Ireland' against the petty captains of the Irish and English rebels, as well as some chiefs and lords, if not some of the great magnates themselves. Here, however, in the context of 1532, the argument against tyranny had but one target – Kildare.

It cannot be known if Butler or Cowley considered the humanist inclinations of Henry, his chief ministers, or many other members of the court when they formulated their arguments. As has been discussed in earlier chapters, the lordship was not an intellectual vacuum; many civil servants, lawyers, judges, and the like had been trained at length at the Inns of Court in London; and both Cowley and Butler had spent considerable time there too, the one at court, and the other conveying messages for Surrey and later Butler.[100] But Butler's letter and Cowley's treatise

[99] On other occasions they 'purchaced the grete qua[n]titie of the landes of those co[n]trys and *pla[n]ted* their sonnes, bretherene, w[i]th oth[er]s of their scept, fosterers and follow[er]s there.' (Italics mine). It is intriguing to consider that what Cowley was criticising was the very method he would borrow for his proposals to the crown in a few years' time advocating, as a means of dealing with the native Irish, an aggressive campaign of displacement, one which stood in stark contrast to Henry and St Leger's conciliatory programme of surrender and regrant. 'Resume', TNA SP 60/6, f. 118v.

[100] Cowley may also have attended Lincoln's Inn, *c*. 1502. Terry Clavin and Anthony M. McCormick, 'Cowley, Robert (*d*. 1546?)', in *Dictionary of Irish Biography: From the Earliest Times to the Year 2002*, (eds.) James McGuire and James Quinn (Cambridge, 2009), vol. 2, pp. 927-8. A Robert 'Cole' appears in several entries in the Inn's record between 1502 and 1512, during which time Patrick Finglas and John Alen also attended. In 1512-13, Irish attendees were restricted insofar as 'no gentleman of Ireland shall be admitted to this company without the assent of a Bencher.' *Lincoln's Inn Black Books*, vol. 1. For Cowley, see: pp. 127, 144, 166, 168. For Finglas, see: p. 131. For Alen, see: p. 166. And for the restriction on Irishmen, see: p. 169. If Cowley is, in fact, the 'Cole' mentioned in *The Black Books*, his absence or departure from Lincoln's Inn at the same time as the prohibitions against Irish-born men might be suggestive of his place of birth.

suggest that they may have been aware of the significance of the humanist milieu at court and the ideological sway it could have on those official minds seeking a new way forward in Ireland, and that they accordingly tailored their rhetoric to appeal to court officials – and perhaps the king in particular – inured in Christian humanism and its concomitant detestation of unjust acquisitiveness, unlawful violence, and, in short, of tyranny.

For Cowley in particular, however, an attack on Kildare based on the pretense of an aversion to tyranny and political methods that relied on the sword was a curious censure indeed. It ran quite contrary to a subsequent penchant for advocating coercive methods to subdue and gradually displace the native Irish. Doubtless it was in the first instance part of a strategy to paint a picture for the king that cast Kildare in the moral raiment of the savage native Irishman – that caricature of Gerald of Wales who long before described them as uncivil men who spurned law and negotiation in favour of a dialogue of violence.[101] In terms of the explosion of reform discourse in the 1530s, Cowley's form of dialogue in his letters and treatises may have helped to open the flood-gates, as it were, for criticisms put forth by others the following year. Indeed, even the Irish annals point out that Kildare's last sojourn to England in 1534 was prompted by the '[g]reat complaints and accusations [that] were forwarded by the English nobles and the council to the king of England.'[102]

Complaints of the Dublin Council

As prominent as Cowley's voice was at the time, it is important to recognise that the more commonplace refrain of complaints emanating from the Dublin council as a whole continued. Sometime after 9 July 1533, with Kildare still in the office of deputy, the council wrote to the king of the state of the land and offered some practical means to reform it. After the usual, vague expressions of the Pale's impending dissolution, they systematically listed its present ills.

[101] Giraldus Cambrensis, *The History and Topography of Ireland* (London, 1982), pp. 100-103.

[102] The revival of this caricature by Cowley and his contemporaries, who seem to have been able to put it to more potent effect, is significant. Its application by Cowley to a member of the Anglo-Irish – which is to say more particularly, English – nobility, who was currently the direct representative of the king in Ireland, was portentous. It suggested that a threshold of reserving criticism of a sitting vice-regal representative, and even the crown, had been crossed: Cowley very directly declares at the end of his treatise that it was 'by the kinges owne autoritie his iurisdictio[n] and revenews ar[e] decaied.' 'Resume', TNA SP 60/6, f. 121v; *AFM*, p. 399.

Coyne and livery remained a problem, along with numerous other extortions consisting mainly of Gaelic forms.[103] Landlords were preferring native Irish to English tenants, from whom they could sometimes procure increased rents, who could endure more extortion, and who, being of hardier dispositions, could live 'withought bredde, or other good victuales.' Accordingly, the quality of lords' retinues had become such that they employed only 'horsemen and knaves', who took their wages of tenants at their own discretion. Like Cowley, they condemned the persistence of liberties, which had been abused by the great lords to the detriment of the king's strength and revenues, and to the general weal of the land. They levelled the same complaint against Kildare that had been tabled by Rawson and Bermingham at Greenwich impugning Skeffington, specifically that deputies were not sharing the booty of retaliatory raids against the Irish. Vindicating Delvin's policy, they condemned the payment of blackrent to the native Irish, resenting being cowed into paying under threat of violence; payment served only to weaken the Pale and strengthen the Irish. They complained of the frequent change of deputies, and that deputies were so often chosen from amongst the great Anglo-Irish lords. Echoing complaints from the previous century, they lamented the lack of educated clerks and the parlous state of the royal records in Dublin; together this simple oversight jeopardised an accurate account of the king's income and, because 'his recordes [had been] imbecilde…his inheritaunce and right [there be] onknowen.' While calls for a renewed conquest of Ireland had been bruited by the likes of Surrey and others, the importance of being able to produce viable legal evidence of title remained important.[104]

The solutions they offered were simple, most having been put forward in previous letters and tracts. English lords were to be prohibited from making deals with the Irish or retaining any men

[103] A parliament held under Kildare between June and October of 1533 passed an act for 'putting down Coyne & livery & other unlawful extortions' by calling for a subsidy of 13s. 4d. of all ploughlands and crosslands. The subsidy was granted for three rather than the usual ten years, even in spite of Kildare's failing popularity. Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 884.
[104] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 63, pp. 162-4. It is interesting to speculate that the perennial frustration of establishing legal title owing to doubts about Adrian's twelfth-century papal bull, or interpretations of McMurrough's request for assistance from Henry II, were perhaps exacerbated by the Anglo-Irish tradition of terrible record-keeping that is in evidence in much of the literature of complaint extending back at least to the beginning of the fifteenth-century. It presented, perhaps, an attractive option, to fall back on justifications to title by right of conquest. In the event, an evolving ideology of colonialism validated, in the sixteenth and in ensuing centuries, right to title by conquest, by subordinating it to a justification to title on the basis of *terra nullius*.

from amongst them, and any that had – the magnates were here an unnamed target – were to renounce them. Just as Delvin had originally intended, blackrents were to be ended. Irish brehon law was not to govern Englishmen; and a great assistance to this would be an end to liberties.

Attacking the liberties was, of course, an attack on the magnates, who, the council declared, were not up to the task of redressing wrongs or bringing any semblance of order to the land – more than anything else, this was owing to the 'ro[o]ted dissention betwixt thErles of Kyldare and Osserie.' To that end, and only a year into Kildare's renewed deputyship, they once more agreed that the best thing to do would be to 'sende hither an Inglishe Deputie,' one who could bring order to Leinster and Munster 'so as the Kingis subsidie may rynne ther.'[105]

Fiscal considerations were always valid in the Irish context but may have been mentioned in this instance as a means to ensure the king's ear did not stray. Accordingly, they continued to suggest that lands granted by the king in the past might be resumed, further augmenting his revenues. This, combined with an effectively collected subsidy, and order established in Leinster and Munster, would provide 'revenues sufficiente to mayteyne him [the deputy], withought furder charge to the Kinge.'[106] As a further lure, they pointed out Ireland's strategic position in the context of potential continental threats, as well as the influx of Scots, who 'increscе daylie more and more, and inhabite in Ulster,' and for which 'ther must be some meane founde for the represseng' of them.[107]

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[105] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 63, p. 165.

[106] It is interesting that in this context they allude also to monies that 'the said Deputie will gett of Irishmen,' although it is unclear exactly what was meant. Given their earlier complaints that Irish tenants were overrunning English regions, it seems probable they were referring to them. Yet the letter's proximity in time to others expressing the exploitation and extirpation of the native Irish, compels some mention of it. See, for example, Cowley's 'Device' of 1538: ''Device of R. Cowley'', TNA SP 60/7, f. 133v.

[107] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 63, pp. 164-6. The final passage of the letter curiously refers to a 'boke of instructions sente hiter by my Lord Chauncelour,' who was, at the time, Archbishop of Armagh, George Cromer. It is worth noting in this regard that no definitive authorship has yet been ascribed to two larger tracts extant in the *State Papers* composed around the same time, including: *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 64, pp. 166-79, which is manifestly not a product of Cromer's hand, criticising, as it does, '[t]he Chaunceller that nowe is, [who] is of great unskylfullnes.' This leaves as another possibility: *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 69, pp. 182-92. Quinn, however, assumes that the author of both was Robert Cowley, but based on the internal evidence this is far from certain – for the reasons discussed in Chapter 7, below, pp. 275ff. Quinn, 'Henry VIII and Ireland, 1509-34', p. 341; Quinn, 'Anglo-Irish local Government, 1485-1534', *Irish Historical Studies*, 1, 4 (1939), pp. 354-81, p. 377.

Several councilmen's names are appended to the letter. Some of these at one time or another supported Kildare, while others rarely, if at all, ever had.[108] In spite of the divided allegiances of the signatories, legal historian F. Elrington-Ball observed that the short tract was unequivocal enough that '[t]he dethronement of the Earl of Kildare cannot but have been largely the result' of it.[109] Around the same time, Bradshaw observed the slow beginnings of significant changes on the council, with the appointment of John Alen, a former servant of Wolsey, as Master of the Rolls;[110] and Thomas Cusack to a minor position in the Exchequer, causing conflict with Kildare, who had preferred Richard Delahide. Cromwell's call for the advancement of Finglas to Chief Justice, Bradshaw notes, also caused friction. Yet together it all signified that another push for reform was in the offing.[111] Indeed, Kildare was taken to task by the king in August of 1533, and along with Butler and others, summoned to London. Kildare ominously responded by transporting the royal ordnance from Dublin to his castle at Maynooth.[112]

[108] Invective in another treatise of 1533-4 ('Causes of the mysordre and debate in Irlande', discussed in the following chapter) directed at Archbishop of Armagh and Chancellor, George Cromer, one of the signatories, suggests that Cromer was considered to have been in the Kildare camp. Elrington-Ball also observes of John Barnewall, Lord Trimleston, that although he was to become Chancellor in 1534, nevertheless '[b]y his detractors he was said to be a Geraldine.' And Christopher Delahide, Second Justice of the King's Bench was also regarded in some circles as suspect. Ball, *The Judges in Ireland, 1221-1921*, p. 124. By contrast, Archbishop of Dublin, John Alen, another signatory, as a former servant of Wolsey, most likely retained an antagonistic posture towards Kildare. And as early as 1515, Patrick Finglas had expressed his reservations in relation to the earl. Finglas, 'Reformation of Ireland', *CCM (1515-74)*, 1, Cap. 1, p. 3. For what the 1533-4 treatise, see: 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64. See p. 168 for the author's attack against Cromer.

[109] Ball, *The Judges in Ireland, 1221-1921*, p. 122. Bradshaw links this letter of the council to the two tracts following it in the *State Papers*, which he says were 'both written while Kildare and Ossory were on their way to court.' This would date them to late 1533. Bradshaw does not commit, like Quinn and others, to assigning authorship to them, doubting even that the letter of the council was representative of all the names appended thereupon. Bradshaw, *Constitutional Revolution*, p. 96.

[110] Note that this John Alen differs from another John Alen, also a Wolsey ally, who was appointed Archbishop of Dublin in 1528 upon the death of Hugh Inge and was later chancellor and member of the 'secret council' of 1529. Murray, 'Alen, John, Archbishop of Dublin (1476–1534)', *ODNB*.

[111] Bradshaw, *Constitutional Revolution*, p. 94.

[112] Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, pp. 684-5. There were also questions about munitions being brought from the Continent, and of the actions of Edmund Sexton in particular. Micheál Ó. Siochrú, 'Foreign Involvement in the Revolt of Silken Thomas, 1534-5', *Proceedings of the Royal Irish Academy. Section C: Archaeology, Celtic Studies, History, Linguistics, Literature*, 96C (1996), pp. 49-66, p. 50; *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII (1533)* (London, 1864), vol. 6, Cap. 567, pp. 251-2.

Conclusion

The years 1528 to 1533 were a period of crown experimentation with successive forms of alternate governance in the lordship. In spite of Henry's push for divorce, and pressure on Wolsey, administrative innovation was not lacking. Although the series of appointments were ultimately unsuccessful, the continuance of experimentation represented more than just a reactionary stop-gap measure to find an alternative to magnate authority, and in particular Kildare rule. But while Kildare had lost the office of deputy, he retained his liberties and considerable support on the Dublin council.

The crown's appointment of Delvin augured future reform, but its immediate effect was to bring Kildare duplicity out into the open. His kidnapping at the hands of the Kildare ally and kinsman, O'Connor, reiterated the crown's need to address the problem of magnate affinities. The appointment of Piers Butler in response to the Dublin council's continued endorsement of Geraldine rule was a temporary compromise designed to nudge effective rule of the lordship out of the hands of Kildare. To succeed in that, it was necessary to convince the council that an administration in the lordship without Kildare was, in fact, possible.

Accordingly, authority, under the king's son, Henry Fitzroy, was vested in a 'secret council' of three, bolstered by the commission of the experienced soldier, William Skeffington. The 'secret council', appointment of Fitzroy, and involvement of Skeffington, all affirmed the crown's commitment to reform in Ireland, and its desire to take a direct hand in its rule.

Skeffington superseded the secret council, becoming deputy in his own right but was unable to endear himself with the parliament, Palesmen, or the Butlers and consequently could not govern effectively. As Kildare retained important influence on the council and a persisting utility to leverage his affinities to bolster the security of the Pale, the crown was left with little choice but to return him to power.

Henry's experimentation with alternate governance although unsuccessful, did however achieve the vital outcome of illustrating to the Dublin Council that governance without a magnate was not only possible, but preferable. By 1533, the Dublin council and Palesmen in general, perhaps

also emboldened by the growing number of reform compositions – including a further recension of Finglas' 'Breviat' and Robert Cowley's more forward-looking and remedy-oriented 'Resume' – were inching closer to direct condemnation of Kildare.

Cowley's voice is particularly prominent in the sparse sources available to historians for the early sixteenth century. As the 1530s progressed, Cowley's own discourse evidenced a dramatic shift from persistent concerns about the nature of magnate authority to a focus on the uprooting, displacement, and elimination of the native Irish from areas of expanding English influence. That shift, leveraging English claims to title over the entire island based on the twelfth-century conquest, combined with centuries-old caricatures of the native Irish as savages, promulgated most prominently by Gerald of Wales and mimicked by others, came increasingly to shape a radical mindset that was evolving amongst some English and Anglo-Irish members of the Dublin council. By mid-century it was a mindset that might more readily be recognised as a colonialist ideology, one that actively fostered in Dublin and London circles an aggressive policy of militarisation, displacement, and plantation.

Chapter 7 – Reform Discourse and Rebellion, 1534

Introduction

By the 1530s, some reformers sought more and more to frame the problem of Ireland as one of a rampant tyranny overseen by a family of 'overmighty' earls, pretenders who had not demurred from crowning others and would, given the chance, perhaps seek to crown themselves. The only solution for many of these reformers was to tackle the problem at its root, and that meant once more taking on Kildare by appealing directly to Henry and Cromwell. The authors of the anonymous 'Causes of the mysordre and debate in Irlande' and the 'Artecleis and Instructions'[1] contributed to a renewed push to convince the king and his council, once and for all, that the future of the lordship was one that rested unequivocally on an English deputy.

White offered summaries of both treatises, but did not supply prolonged analyses.[2] Bradshaw touched briefly on them, observing only that in ensuing correspondence, '[t]he weight given by Cromwell to these,' and another recension of Finglas' 'Breviat', 'is clear from subsequent events.'[3] Heffernan, critical of Bradshaw, has also addressed the treatises, regarding the 'Causes' as 'an unrelenting assault on the government of the earl of Kildare,' asserting that it was also 'heavily pro-Butler'. He notes, too, that it outlined a programme seeking to extend English influence 'westward towards the Shannon,' and planned for the installation of a 'provincial president' in Munster. The 'Articles' he points out as being consistent with other treatises of the 1530s in focussing on reducing and confiscating lands south of Dublin inhabited by the O'Byrnes and McMurroughs, as well as the midland holdings of O'More.[4]

Heffernan's analyses of the treatises of the early sixteenth century highlight an intensifying focus amongst Dublin officials advocating for the reduction of Leinster and for exerting increased control to the west of the Pale. Their programme was to gain primacy later in the century, but

[1] For simplicity, these treatises will hereafter be generally referred to as the 'Causes, and the 'Articles', respectively.
[2] White, 'The Tudor Plantations in Ireland Before 1571', pp. 57-60 and 63-6.
[3] Bradshaw, *Constitutional Revolution*, pp. 96, 276.
[4] Heffernan, *Debating Tudor Policy*, pp. 33-4, 37.

nevertheless borrowed elements of earlier reform writers, like those put forward by the Pandar is his *Salus Populi* in the fifteenth century. That treatise, re-compiled and amended in 1515, sought to establish firm English roots at least as far west as Athlone, linking the Pale with Galway, and consolidating crown authority on an east-west axis through the middle of the island.[5]

The treatises explored in this chapter illustrate the increasing boldness of reformist writers, reflecting the growing confidence exhibited by the Dublin council itself. The evolving attributes of the reform movement in the lordship, combined with the crown's persistent willingness to experiment with modes of administration, created an environment conducive to continued change.

Given the crown's demonstrated pattern of confidence in Kildare and repeated decisions in his favour, the question as to why the reformers would at this particular time continue the campaign against Kildare might still be posed.[6] But there were signs that the Geraldine star was on the wane. The closer oversight of London in the lordship's affairs cast a shadow over Kildare's independence as deputy, particularly as Cromwell gradually solidified his position at court, replacing Wolsey as the king's chief minister.[7] Cromwell's ambivalent posture towards Kildare may also have spurred an impulse amongst the Anglo-Irish reformers who, sensing blood, may have determined more conclusively that the time was ripe for a renewed assault against the earl.[8] And by couching the causes and remedies of Ireland's woes in the sorts of humanist terms they had by now learned might appeal to Henry and Cromwell, the reformers of the day had cause to hope that their efforts to expel Kildare would not be in vain.

Indeed, the crown's response to calls for reform came in its 'Ordinances for the Government of Ireland',[9] the first printed policy paper issued by the crown in relation to Ireland in the wake of the Kildare rebellion. The 'Ordinances' offer evidence of the crown's continued interest in the problems of the lordship, forwarding solutions in direct response to practical issues of customs,

[5] 'Report on the State of Ireland', BL Add. MS 4792, f. 107v.
[6] Kildare had been returned to Ireland after enquiries into his behaviour in 1515, 1519, 1526, and 1533. Ellis, 'Tudor Policy and the Kildare Ascendancy in the Lordship of Ireland, 1496-1534', p. 249.
[7] Ellis, 'Tudor Policy and the Kildare Ascendancy in the Lordship of Ireland, 1496-1534', pp. 250-1.
[8] McCorristine, *Revolt of Silken Thomas*, p. 47.
[9] Referred to as the 'Ordinances' hereafter.

law, and defence. And criticism of the church stemming from the break with Rome, in particular, provided potent rhetorical ammunition to meld broader attacks on the church with the crown's ongoing attempts to dislodge magnate authority from the administration in the lordship.

The Eve of Rebellion

There are misgivings about how historians ought to interpret the period leading up to the ninth earl's arrest on 29 June 1534, subsequent incarceration, and eventual death on 2 September in the same year. How the period is viewed is important in answering the question as to why the reformist writers of the early 1530s sought to oust Kildare in spite of the crown's repeated decisions in his favour throughout the 1510s and 20s.

For his part, Steven Ellis rejects the notion that Kildare and his affinity had been irretrievably weakened, and has little doubt that Kildare retained most of his power and influence. He observes that 'Henry's interventions had little impact on Kildare's political control,' and that 'the marginal decline in this control probably did not influence royal policy.' Ellis contends the issue with Kildare had been one of 'his abuse of power, not his ineffectualness as deputy.' Ellis suggests this is borne out in Kildare's eventual return to Ireland as deputy later in 1532, when 'it appeared likely that the Kildare interest would remain the most stable and important factor in Anglo-Irish politics for the foreseeable future.'[10] Ellis warns that even as late as 1534 the uprooting of Kildare was by no means a sure thing. His authority appears to have been little diminished: 'the earl's campaigns are recorded in the annals for each year that he was resident in Ireland, and he continued to exert his authority over Gaelic septs who paid him for his protection.'[11]

But in 1533, the annals record that after lending aid to his ally, Fearganainm O'Carroll, Kildare returned home, only to have Anthony Carrach 'nominated O'Carroll, in opposition to Fearganainm.'[12] Other difficulties mediating succession issues within Gaelic septs encumbered his supporters,[13] but it was during the O'Carroll campaign that 'he was, at Birr Castle, "shot into

[10] Ellis, 'Tudor Policy and the Kildare Ascendancy in the Lordship of Ireland, 1496-1534', pp. 249-50.
[11] Mary Ann Lyons, *Gearóid Óg Fitzgerald: Ninth Earl of Kildare* (Dublin, 1998), p. 52
[12] *AFM*, p. 398.
[13] The earl's brothers and son suffered sometimes humiliating setbacks at the hands of the native Irish. Lyons, *Gearóid Óg*, pp. 52-53.

the bodye with a handgone and ney slayne, but he wase never holl againe."'[14] Around this time too the O'Byrnes were able to mount a wildly successful raid on Dublin itself.[15] Kildare was also physically compromised: the shot that had caused his injury during the O'Carroll campaign was only removed the following spring, and '[as] a result of this wound, Gerald partially lost the use of his limbs and his speech.'[16] By the time he was in London, Kildare was well and truly invalided; in April, the Spanish ambassador, Eustace Chapuys, observed of him: 'The Earl of Kildare is here, sick both in body and brain by the shot of a harquebus…and there is no hope of his recovery.'[17]

In many ways, the tenor of the tracts of the early 1530s repudiate Ellis' interpretation and make it clear that from the perspective of the Pale reformers, magnate rule – and Kildare in particular – was viewed as anathema. The treatises were a direct appeal to Henry and Cromwell, mirroring their humanist idiom, whether sincerely felt or not, to solidify arguments against Kildare. By mid-1534, the earl's weaknesses no longer mattered; whatever worries surrounded his abilities shifted to Thomas, his son, who assumed control of the lordship after the earl's departure in February.

The Anonymous 'Causes of the mysordre and debate in Irlande' (*c.* 1533-4)[18]

Authorship

Around the same time that Kildare's final tenure as deputy was coming to an end, another treatise was penned condemning the by-now embattled earl. Many historians suggest that

[14] TCD MS 543/2 (E. 2. 19) or the 'Dublin chronicle', quoted in Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 683.
[15] The event is reported in 'Causes'. 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, p. 169. Also see: Lyons, *Gearóid Óg*, p. 53
[16] Lyons, *Gearóid Óg*, p. 52.
[17] *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII (1534)* (London, 1883), vol. 7, Cap. 530, p. 215, and Cap. 614, p. 241; McCorristine, *Revolt of Silken Thomas*, p. 54.
[18] 'Causes of the mysordre', *SP*, 2, 3, Cap. 64. The *Letters and Papers* version of the treatise dates it to December of 1533, but this is not substantiated. *LP (1533)*, vol. 6, Cap. 1587, pp. 645-6. The author makes equivocal observations about the movements of the earls of Kildare and Ossory, but it will be found that these may be interpreted in numerous ways, neither of which supply cause for a definitive date. It was likely composed in the winter of 1533-4.

'Causes of the mysordre and debate in Irlande' was composed by Robert Cowley, possibly owing to its manifest partisanship and fulsome recommendations for reform to Cromwell, the king, and the council in London.

According to others, however, the fact that the author points out that his father was born in England, while he was born 'there within that your said lande [of Ireland],'[19] suggests that it may, in fact, have been composed by Robert's son, Walter. Because of his Irish birth, the author reasoned, he possessed greater motive than others to assist the king in 'the ardant deasire, that Your Grace hath always had, to have a reformacion in your lande of Irlande.'[20] However, the evidence cited by historians for Walter's authorship of the 'Causes', resting as it does on the assumption of his father's English nativity, is weak at best.[21] Apart from a very brief comment in the *Book of Howth* describing him as 'Master Coulle, born in England,' there is little evidence to support the conclusion that Robert was born there. Indeed, his will points to his significant roots, if not birth, in Ireland, and the fact remains that any number of Anglo-Irish gentlemen, be they lawyers, merchants, or landowners, with an interest in civil matters, and whose fathers had recently come over to Ireland, could have been responsible for composing the 'Causes'.[22]

Among the strongest arguments against the treatise having been composed by either Robert or Walter Cowley is the manner in which Piers Butler is considered, one that is fundamentally the same as that in 'A Discourse'. In their correspondence throughout the 1520s and 30s, the Cowleys reserved ample condemnation for Kildare, but they also altogether avoided any negative

[19] 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, p. 167. Walter eventually rose through the ranks of officialdom in the lordship to become Solicitor General from 1537 to 1547. Moody, Martin and Byrne, *NHI: Maps, Genealogies, Lists*, vol. 9, p. 518.

[20] The statement is important in that it acknowledges an ongoing dialogue directed towards solving the problem of Ireland. In the context of this treatise, that problem is one of magnate authority.

[21] Earlier, Quinn attributed the 'Causes' to Robert Cowley, but later attributed it to Archbishop of Dublin, John Alen. Quinn, 'Henry VIII and Ireland, 1509-34', p. 341; Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 684. More recently, based on the assumption of Robert Cowley's English birth, only vaguely expressed in an entry in the *Dictionary of Irish Biography*, Maginn, has put forward Walter as the author of the 'Causes'. Maginn appears to follow Ellis' earlier attribution to Walter. Ellis, 'Tudor Policy and the Kildare Ascendancy in the Lordship of Ireland, 1496-1534', n45, p. 249; Maginn, ''Beyond the Pale'', *Frontier and Border Regions in Early Modern Europe*, n6, p. 44.; Clavin and McCormick, 'Cowley, Robert (*d*. 1546?)', *Dictionary of Irish biography: from the earliest times to the year 2002*, vol. 2.

[22] Or, perhaps not; the treatise is not particular in its description, pointing out only that the author's father 'have had his perferrement by Your Gracis moste Excellent Highnes,' omitting any suggestion of where his office may have been situated, in Ireland, England, or elsewhere. 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, p. 167.

commentary of their benefactors, Piers Butler and his son, James.[23] While in the 'Causes' Kildare remains the focus of the author's ire, Desmond and Butler are cast alongside Kildare as magnates who also bore significant responsibility for the decay of the lordship's revenues and its English customs. Past deputies, he claims, 'for the more parte of theym,' have employed the office to 'their particular gayne and proficte.'[24] More directly the author points to the decay suffered in Munster, encompassing a large portion of Butler's lands, where the Englishry 'are furthest from good ordre or obedyencie, soo that noo difference is betwixt theym and the mere Irishmen.' As such, Butler is included amongst those who should be 'bounde and sworne to endevor him to cause the gentilmen, freholders, and inhabitauntes within his domynion, to confourme theym therunto.'[25] No Anglo-Irish magnate, therefore, should hold the office of deputy. For these, he concludes, have been 'oon of the most decais of the Kingis revenues,' and, more critically, a direct threat to English sovereignty in the lordship.[26] The author held little regard for any of the magnates – including Butler – concluding that only an Englishman should be made deputy.

Further compelling evidence that the 'Causes' was not composed by Butler adherents, like the Cowleys, is the inclusion of William Skeffington in its recommendations for a new deputy. While the author's preference was for Norfolk to re-take the reins of government in the lordship, the author of the 'Causes' also notes that Skeffington 'did best for the quyetnes of the Kingis subjectis there, and repressing the Irishrie, and is dredid there.'[27] The author's endorsement of Skeffington contrasts significantly with a letter of Piers' son, James, addressed to Robert Cowley the year previous which described how Skeffington gave offence to his ageing father, Piers.[28] In light of

[23] As late as 1537, Robert Cowley continued to tread softly so as to avoid any imputation of wrongdoing against the Butlers. In his relatively brief 1537 treatise to the commissioners, Cowley observed that 'Irlande, in effecte, except the Butlers, and a veray few others, murmorith emonges theme, that the King entendith suche a maner of reformacion, as neither to trye ne esteme the obedient, ne the inobedient, but to put theme togither in hodgpot.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 171, p. 449.

[24] 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, p. 167.

[25] 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, pp. 170-1.

[26] A significant portion of the treatise is dedicated from this point on towards the threat magnate authority posed to English sovereignty, as well as its direct link to 'tyranny', which 'now reynethe ther.' For the threat to English sovereignty, see: 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, pp. 175-6. For its relationship to tyranny, see: 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, p. 178.

[27] 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, p. 170.

[28] The letter was composed at Kilkenny on 20 June 1532. In it, James described how Skeffington gave offence to his ageing father, Piers. Skeffington, then still deputy, he said, had caused his servants to quarrel with any of James' men 'that walkes the kinges strete of Dublin,' calling them out as traitors. The deputy himself, he pointed out,

James Butler's letter to Robert Cowley, it will be seen how incongruous the 'Causes' author's recommendation of Skeffington would be as a Cowley production. Robert Cowley, who appears to have maintained a good relationship with his son, Walter, throughout his career in the administration of the lordship, is not likely to have sanctioned the treatise, let alone have composed it himself.

Note should also be taken that when putting forth the expediency of creating local presidencies – councils convened at the local level to bridge the geographical distance between Dublin and the periphery – the author suggested the appointment of Edmund Butler, Archbishop of Cashel, and illegitimate son of Piers Butler. Edmund had long been at odds with the main branch of the Butler family, siding with the Earl of Desmond in his frequent land disputes with Piers, then styled Earl of Ossory.[29] The likelihood, then, that either of the Cowleys composed the 'Causes' diminishes further.

As with many of the reform treatises of the era, caution must be taken in attributing authorship as confidently as historians have hitherto been inclined. As O'Dowd and Edwards have warned, the 'anxiety to quote suitable passages from texts' has led to the misattribution of authorship, a practice – however benignly intended – that serves only to subvert ongoing attempts to interpret the meaning and impact of early sixteenth-century Tudor reform dialogue in Ireland.[30]

Causes

Despite ample criticism of all three of the great Anglo-Irish magnates, the treatise more broadly represents a condemnation of Kildare hegemony in Ireland placing only a secondary blame for Ireland's woes at the feet of some native Irish chiefs. These, the author explains, were responsible for the recent murder of Butler's son, Thomas, and for the wounding of Kildare himself.[31]

'thretnes every man after suche a tyrannyus sorte as no man dar speke or repugne reasonably against his apetite.' And his actions were, James concluded, such that should the native Irish find cause to join together they might do so more easily under the vice-royalty of Skeffington, than, perhaps, any other. Ellis, *Original Letters*, 2, pp. 50-3.

[29] Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 677.

[30] Edwards and O'Dowd, *Sources for Early Modern Irish History, 1534-1641*, pp. 86-7.

[31] During a raid on Butler's O'Carroll ally, he was 'shot in the bodye with a hand gone and ney slayne, but he was neuer holl againe.' Quoted in: Steven G. Ellis, 'Fitzgerald, Gerald, ninth earl of Kildare (1487-1534)', *ODNB*, Accessed 24 Jun. 2015, http://www.oxforddnb.com/view/article/9555.

However, other defeats at the hands of the O'Tooles, McMahon, and O'Reillys were caused by Geraldine meddling, and at other times, Kildare failed to intervene at all, as when O'Neill invaded Uriell the summer previous.[32]

Some criticism is also directed toward many of the Dublin officials who are variously noted for their 'unskylfullness' and 'opyn parcialitie, in all thErle of Kildares procedinges.' Among those singled out was Archbishop of Armagh and Chancellor, George Cromer. Other unnamed officials are described as so fearful of Kildare's retribution should they contravene his purposes, that they dare not move against him.[33]

The author listed as the three causes of the lordship's decay: the deputies' pursuit of the private over the commonweal; their usurpation of the king's authority and jurisdiction, and consequent immunity from prosecution; and their arrogation of the loyalties of the Dublin officials. While Kildare is only named in the last cause, it is clear that in all instances the author was referring to the longer-standing issue of the Geraldine half-century stranglehold on vice-regal authority.[34]

Remedies

Chief amongst the solutions proffered in the treatise is the need for an experienced, independent deputy of English extraction, like the Duke of Norfolk or, secondarily, William Skeffington, who would serve for a defined term. In the past the problem had been that such men had not received the necessary local backing to elicit success from their deputations. Skeffington, for example, had been unable to secure a relatively un-demanding three-year parliamentary subsidy in 1531, during his last term. By contrast, Kildare had little trouble acquiring the same just two years

[32] Kildare, he says, had failed to deal with the threat that lay beyond the marches to the north and south, namely the ongoing feud between O'Donnell and O'Neill, which was exacerbated by Kildare's affinal connection to the latter; he and his kin had suffered defeats at the hands of O'Toole, McMahon, and O'Reilly; to say nothing of the sack of Dublin Castle by O'Byrne, costing the lordship some £2,000. A faltering campaign in O'Carroll country to the west, moreover, signified continuing antagonism between Kildare and Butler, the latter backing a contrary claimant to the O'Carroll chiefdom than the former preferred. 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, pp. 168-9; Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 683; Fitzsimons, 'Lordship of O'Connor Faly', *Offaly: History and Society, Interdisciplinary Essays on the History of an Irish County*, p. 213; *AFM*, p. 398.
[33] 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, p. 168.
[34] 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, pp. 167-8.

later.[35] Practically speaking, the author relates, such a subsidy, had it passed in 1531, combined with royal resumptions, would have been adequate 'to bere the Deputies chargis, with a suffycient power resident there.'[36] The author was arguing that magnate authority, so long held out as the only effective means of governing the lordship, could be replaced by tapping into the usurped sources of their revenues, combined with some careful accounting and more direct oversight by the crown.

Like most treatises of the period, the author advocates for a 'particular reformation', recognising the financial difficulty of organising a much larger 'general reformation' or conquest of the entire island. Since Surrey's advocacy of the latter in the early 1520s, and the king's repeated stance against a broad, military solution, it would have been clear by the 1530s that the crown was not going to finance a sizeable regular army. Men like the author of the 'Causes', understandably then, advocated 'particular' methods that sought to consolidate English influence in those regions closest to the Pale. But doing so required some degree of collaboration with the native Irish.

Such cooperation had underpinned the power of the Kildare earls, and, more recently, had been employed by Piers Butler in the 1520s.[37] Both earls effectively cultivated economic and social links with the native Irish, setting up a political polarity that proved an obstacle to reform. If the crown could harness the same cooperative political mechanism, through perhaps a form of what would later come to be known as 'surrender and regrant', it might find the means to make good on its somewhat outdated and tattered claims to sovereign authority over the island.

But cooperation with the native Irish, while it might bolster the crown's ability to maintain a military presence in the absence of a standing army, also brought with it the danger of cultural contamination. The problem was one that had been fretted over by English administrators in the lordship ever since it was decried in the 1366 Statutes of Kilkenny. Coyne and livery continued to be singled out as the most damaging consequence of cultural admixture; but other extortionate

[35] Quinn, 'Bills and Statutes of the Irish Parliaments', pp. 134-8.
[36] 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, pp. 169-70.
[37] Edwards, 'The Ormond Lordship in County Kilkenny, 1515-1642', pp. 137-40. Also see Chapter 5, above.

customs, as well as marriage, fostering, and gossiprid, to say nothing of the adoption of the Irish language, were to be just as feared. As the century progressed, warnings like those in the 'Causes', where the author contrasts English order with native Irish barbarism, are increasingly seen. Here, however, the native Irish were not entirely condemned for their 'brutishness', for the author reasoned that 'if ther were justice used amongest them, they wold be founde as civile, wise, politike, and as active, as any other nation.'[38] While just a few years later, men like Robert Cowley would be advocating violent extirpation,[39] the author of the 'Causes' took a more moderate line. Accordingly, it was incumbent upon English lords and gentlemen – even great magnates like Butler – to send their sons to the towns to ensure they were imbued with English manners and customs.[40] In these early years of reform discourse it was still hoped that native Irish culture could simply be 'taught away'; wholesale extirpation of the native Irish, although experimented with by the likes of the eighth Earl of Kildare,[41] had not yet become a keystone of English colonial policy.

These were, however, only preventative measures. The clock would have to be wound back, as it were, and those regions that had been English strongholds would need to be brought once more to order. The author observed that cultural admixture could work both ways. Cormac Oge McCarthy, he noted, had been denizised, and hoped that his grandson, if not his son, might follow his father's inclinations. Butler, too, had married his daughters to McGillipatrick and O'Brien's son and likely heir, Donough.[42] With Desmond brought into line as well, and key Munster septs supporting the crown, other parts of Ireland could then be similarly dealt with.

Of significant concern was Ulster, home to the O'Neills, who, in addition to providing support to Kildare, also levied tribute to the tune of 100 marks yearly from the Pale. To deal with them, O'More and McMurrough would need to be solicited for assurances that they would support the

[38] 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, pp. 173-4.
[39] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, pp. 329-30.
[40] 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, pp. 170-1.
[41] Maginn, *'Civilizing' Gaelic Leinster*, pp. 28-30.
[42] 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, p. 171.

crown, as would key northern Irish septs like the powerful O'Donnells, and others like O'Reilly, Nelmore, Nelconylagh, and McMahon.

Much of this comes across as somewhat wishful thinking on the author's part, but it is testament to the reality of some native Irish sympathies towards the crown that the Maguire chief, writing to the king around the same time as the 'Causes', praised Skeffington who, 'if he had remained until now…would have found no one to resist him, for he showed himself most just and indifferent,' before going on to 'give your Majesty humble thanks' for '[taking] me into your protection,' and '[promising] you obedience, subjection, and fealty.'[43]

The peripheries of the lordship, although claimed by England in the twelfth century, had nevertheless for the last two hundred years remained administratively isolated from English rule. Regaining control of these areas would be critical if effective crown authority was to be asserted. The author illustrated the problem by pointing out the difficulties experienced by 'dyvers honorable and wise men' who lived and travelled to and from those regions. He understood that control would not be regained by making hollow claims. Rather, what was necessary was the creation of local or – to use the term employed in the late century – 'provincial' presidencies.[44] These were to be small councils of prominent local men with administrative powers derived directly from the king and council in London.[45] The relationship between this peripheral conciliar branch and the council in Dublin was not elaborated upon, but it is clear that the author did not think the latter capable of effectively asserting the crown's legal authority in most areas beyond the Pale.

[43] *CCM (1515-74)*, vol. 1, Cap. 41, pp. 53-4.
[44] Similar conciliar forms had been established in the marches of Wales in the 1470s. Their effect was the gradual 'erosion' of the marcher lordships. The relatively peaceful circumstances in Wales may have attracted Henry VIII, who perhaps hoped to mirror its administration by strengthening the Dublin council. Rhys Morgan and Gerald Power, 'Frontiers, Regions and Identities in Europe', in *Enduring Borderlands: the Marches of Ireland and Wales in the Early Modern Period*, (eds.) S. G. Ellis and R. Eßer (Pisa, 2009), pp. 101-28, pp. 101, 104. Similarly, in the northern marches of England, the murder of the Earl of Northumberland in 1489, opened the possibility for reform there, with the king's son, Arthur, made 'Warden-General of the Marches', with the Earl of Surrey as 'Under Warden', 'so that the way might be clear for the appointment of other royal officials upon his Council, in place of the local Border gentlemen.' Conway, *Henry VII's Relations with Scotland and Ireland 1485–1498*, p. 34.
[45] 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, p. 173.

For the author, a general reformation or conquest was out of the question in the short term. By now likely cognisant of the king's fiscal misgivings, few Anglo-Irish officials entertained the notion. The crown remained committed to a general reformation based on humanist ideas evident in the 1515 'State of Ireland' and Henry's letters to Surrey in the early 1520s. In the face of the uncertainties of 1534, therefore, the crown sought to temporise; it attempted to retain what native Irish allies it could, hoping to pursue a more practical, moderate agenda based on the cultivation of local allegiances resting on cross-cultural cooperation. For the author, these were requisite to the execution of a more general campaign to subdue, for example, English rebels like the Burkes of Connacht, and others in the far-flung regions of the lordship. But, as we have seen, the ambivalence of the author of the 'Causes' towards a unified Anglo-Irish commonweal diverged significantly from the crown's plans for inclusion and conciliation.

The remainder of the treatise appears to have been appended at some point after the main body had been composed. Indeed, the initial section may have seen some circulation as the section headed 'Addition to my former Boke' appears to respond to accusations that the proposals in the first section were costly and unattainable.[46]

The author assures his critics that reform was not a process requiring the simple and often expensive application of force, rather native Irish and Anglo-Irish would be amenable if only 'ther were justice used amongest them.'[47] The author argued that if the king placed his confidence in an English-born governor, the outcome would be politically and fiscally sustainable. The author highlighted earlier arguments of crown negligence, criticising Henry's father for repeatedly supporting the eighth Earl of Kildare, even after the latter had supported the Yorkist camp, and later crowned the pretender, Lambert Simnel. But the author then offered a stinging critique of the sitting king, Henry VIII. Begging indulgence, he questioned: 'What subjectis…wold love, obey, or defende the right of that prince, which…wold afterwarde putt them under the governaunce of soche, as shuld daylie practise to prosecute and destroy them [for supporting that prince]?' The author carried the scenario further: repeatedly betrayed by his governor, the prince

[46] 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, p. 173. The second section runs from pp. 173 to 179.
[47] 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, p. 173. He addresses these again on p. 177.

nevertheless each time restored him to power, while for their part the prince's supporters suffered at the governor's hands for their support of their prince. What, the author inquired, were they to do but eventually transfer their allegiance to the governor, sure in the knowledge that he would be returned to power no matter how treasonously he behaved? This, he offered, had been the situation in Ireland for the past fifty years.[48]

With respect to fiscal stability, if the king were to invest an English-born deputy with the crown's authority, the author contended that in the long run this would save him money and restore English authority in Ireland. By way of proof, he offered a simple comparison of the revenues during the reigns of Henry VI and Edward IV, before the eighth Kildare earl was made deputy, and the revenues now, after a half-century of Anglo-Irish magnate rule.[49] The finances of the lordship had been eroded owing to a multitude of grants, primarily to Kildare and his allies. Attempts at reform were obstructed by Kildare and his supporters and rendered sterile. Rising administrative costs, they hoped, would ensure the king's continued support of their regime, one cheaper in the short term, but, the author argued, one that was ultimately costlier in the long term, fiscally *and* politically.[50]

English sovereignty, too, had been subject to a campaign of attrition waged by Kildare. The Geraldine plan, the author surmised, had been 'to have the lande in soche troble, that the Kinge shuld have small affection or regarde to it.' The erosion of English sovereignty in Ireland had been the result of over-generous grants of his lands, castles, and towns. Kildare and his allies, for example, had inveighed to acquire the king's 'castels and countries' in Ulster by convincing Henry that O'Donnell's offer to hand them back to the crown was 'not to be regarded and accepted, but as a vayne thinge; pretending that the Kinge could not keep [defend] the same.'[51] It was

[48] The author relayed an account of Gerald McShane (or 'Shaneson') who berrated Kildare's brother for not entering into league with the earl and his supporters and 'invading and subduing' the king's Irish lands: '"What, thow foole,' saide he, "thou shalt be the more estemed in Irelande, to take parte against the Kinge; for what haddest thou have been, if thy fader had not doon so?"' 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, pp. 174-5.
[49] It is notable that, by default, he also includes Butler. This is confirmed further in a similar, later passage. 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, pp. 175-6.
[50] 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, p. 177.
[51] 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, p. 177.

implied that only Kildare had sufficient means to defend them, and so the king ought to hand them over to him.

But grants and liberties alone did not guarantee diminished sovereignty. Behind that there needed to be an enduring and opposing will, and that, of course, had come by way of the king's confidence in the Kildare earls:

> ...as thErle of Kyldare, by the continuaunce of the Kingis auctoritie in him and his fader, hath banded himself on suche wise, that if the Kinge make any other Deputie but him, all the lande shalbe disordred; so as the Kinge must depende upon his pleasur, and not he upon the Kingis.[52]

A 'politike man', Kildare had convinced the king that he could not retain authority in Ireland without him. It was implicit, therefore, that neither could the king hope to win back other of his lands that had been usurped in the centuries since the Anglo-Norman conquest. That task had been guaranteed to the Kildare earls who had 'obteyned of the Kinge letters patentes, to have to them, and their heires, all soche townes, castels, and landes, as they could gett ought of Irishmens possessions.' Indeed, the author emphasised, '[a] man mought say, it were a good policie to thErle of Kyldare, to suffer Irishmen to conquerre boothe the Kingis landis and others; for so mought he in conclusion have altogeders.' By virtue of Kildare's duplicity, then, as well as the crown's unwitting complicity, English sovereignty had been gradually chipped away, and with 'furder contynuaunce of the same, [the king] shall loose all his right, title, and domynion ther.'[53]

If this was to be avoided, the solution was to strike directly at the root of the real threat to English sovereignty. That threat was not simply an issue of mitigating costs or curbing the perfusion of Irish customs. It was, rather, the same threat faced by any good and true commonweal: tyranny. To strike it directly meant extirpating Kildare and his supporters, whereby '[h]is Grace shall not only perceive soche tyranny as now reynethe ther, to be exiled,' but he will see that all secondary problems relating to finances, law and order, and defence will have been resolved, opening up opportunities for increased exploitation of what was, after all, a hitherto untapped source of

[52] 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, p. 176.
[53] 'Causes of the mysordre', *SP*, vol. 2, 3, Cap. 64, pp. 177-8.

English prosperity. 'Tyranny' – the language of humanism and the commonweal – was again employed in the service of a broader argument to convince the king the banish magnate rule once and for all.

The Anonymous 'Artecleis and Instructions' (*c*. Feb. 1534)[54]

Around the same time that the anonymous 'Causes' was composed, another tract was circulating. It, too, was written in the context of Kildare's recall to London and his son's appointment as governor in his absence. While it was undoubtedly regarded in some quarters as a positive development, as in the past, Kildare's summons offered no guarantee that the crown was in any way moving towards the sort of reform that many gentlemen of the Pale sought.[55]

Yet the prevailing circumstances were perhaps different enough in the early months of 1534 that the reformist agenda could establish deeper roots in official dialogue. It is around this time that reformers began to offer more consistent aspirations set forth in the discourse using increasingly familiar and regularly employed terms. Phrases like 'particular' and 'general' reformation are frequently used. Unsurprisingly in the context of an evolving English brand of humanism, the Irish problem in reform treatises was increasingly cast in terms of a struggle between the common and the private weal, the crown portrayed as the champion of the former and the Anglo-Irish magnates the latter. And Kildare was identified more and more directly with that arch-villain of humanism, the tyrant. As much had been plainly described in the 'Causes', and a very similar discursive tableau was to be laid out in the contemporaneous tract, 'Artecleis and Instructions to Our Soweraine Lord the King, for his land of Irland'.[56]

[54] 'Artecleis and Instructions to Our Soweraine Lord the King, for his land of Irland (*c*. Feb. 1534)', *SP*, vol. 2, 3, Cap. 69, pp. 182-92.
[55] But *cf*. Steven G. Ellis, 'The Kildare Rebellion and the Early Henrician Reformation', *The Historical Journal*, 19, 4 (1976), pp. 807-30, p. 817. It is important to note, however, that while clerical support for Kildare may have increased after the revolt, a great deal of lay support was likely based on continuing fears that the crown, as so many times before, would forgive him and return him to the governorship.
[56] Hereafter written as 'Articles'. 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69.

Authorship

Calendared in the *State Papers* under the year 1534, the 'Articles' were composed after Thomas Fitzgerald's appointment as deputy in February of 1534.[57] D.B. Quinn has also claimed the authorship of the 'Articles' for Robert Cowley.[58] There are certainly some consistencies between the 'Articles' and the one earlier treatise known to have been composed by Cowley, his 1532 'Resume'.[59] As we have seen, however, by the late 1520s and early 1530s the themes reformers were engaging with were becoming more formalised. As a result, without close examination, it becomes all too easy to ascribe certain tracts to well-known personalities. As possibly the most vocal reformers of the time, the Cowleys have become popular suspects for historians understandably eager to identify the authors of proposals making their way to-and-fro across the Irish Sea.

The internal evidence, however, suggests that neither Robert Cowley, nor his son, Walter, Cowley composed the 'Articles'. As with the 'Causes', the evidence here revolves around the author's criticisms of Piers Butler, a practice, as we have seen, that neither Cowley was likely to have engaged in.[60] The author, for example, paints the great Anglo-Irish earls as each equally disinclined to cooperate in a manner that would render better service to the crown. For this reason, he continues, all 'castelles and garysons, which is now in thErls of Kildar, Desmond, and Ossery is handes' should be resumed to the ownership of the crown.[61] The author lists several of Kildare's manors and castles before attempting the same with Butler. Yet he is only able to identify two: one at Kilkenny and the other at Callan; of the others, he admits: 'I do not know'.[62] As clients of Piers, the Cowleys would have been able to recall and list more than a couple of Butler manors. Moreover, as consistently loyal supporters of Butler, neither Cowley would have

[57] The 'Articles' write that the earls' son Thomas 'is Governor in his absentie.' Thomas was appointed deputy to the earl in mid-February according to the 'Dublin Chronicle'. TCD MS 543/2, *s.a.* 1534 in Moody, Martin and Byrne, *NHI: Maps, Genealogies, Lists*, 9, p. 480, and n149 on p. 485.
[58] D.B. Quinn, 'Anglo-Irish local Government', pp. 354-81, p. 377.
[59] See above at Chapter 6, p. 245.
[60] In their *Tudor Discovery*, Maginn and Ellis observe of the treatise that it 'blamed the decay of English government and society on the lordship's three resident earls.' Maginn and Ellis, *Tudor Discovery*, pp. 162-3.
[61] 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, p. 183.
[62] 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, p. 184.

jeopardised the earl's standing or his right to important lands, manors, or holdings in the eyes of the crown. Similar points arise throughout the treatise: just a little further on, the author offers a more direct condemnation of Butler, observing that the earl 'haiv undyr his dominion your conteis of Kilkenny and Typpyrare, and doth oppres your subjectes ther with coyn and lyverey, and other exactions…[there] your lawis be not kept, nether ye haiv no part of your revenuse.'[63] For the author, Butler was no better than Kildare or Desmond – his was a name that could easily be grouped in with all the great magnates of the lordship, each to be equally condemned.

Heffernan, following White, attributes the 'Articles' to Thomas, son of Patrick Finglas, then in England 'to further his father's interests.' The treatise, White observed, is in the hand of Thomas, 'who probably had the help of his father Patrick in preparing it.'[64] But many of the manuscripts in the *State Papers* appear to have been copied by councilmen and clerks, of whom Thomas Finglas was one.[65] More convincing is Heffernan's linking the plan to 'reform' the Leinster septs to Patrick Finglas' 'Breviat', which 'provided the strategic approach which would come to dominate ideas from the 1530s onwards,' centred 'around the establishment of nucleated garrisons which would eventually evolve into settlements.'[66] But south Leinster was not a unique target of reforming zeal: the author of the 'Discourses' had advocated a similar action in the 1520s.[67] For the moment, then, in the absence of definitive evidence, the author of the 'Articles' must therefore be considered anonymous.

The 'Articles'

The treatise opens by laying out the by-now familiar premise that the crown's sovereignty and revenues had long suffered at the hands of 'the Lordes of Irland', who had been entrusted to govern. These had looked only to their 'owin particular profit,' employing a variety of extortions

[63] 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, p. 183.
[64] White, 'The Tudor Plantations in Ireland Before 1571', n56, p. 63
[65] The editor of the *State Papers*, for example, points out that while part of the 'Causes' were in the handwriting of Master of the Rolls, John Alen, 'it might be conjectured that he was the author of it, when on his mission to England in 1533; but this cannot be, since the author was a native of Ireland…and Alen was not so.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 64, n1, p. 179; Lyons, 'Finglas, Patrick (d. 1537)', *ODNB*.
[66] Heffernan, *Debating Tudor Policy*, p. 38.
[67] 'A discourse of the cause', BL Lansdowne MS 159, fos. 12r-13r.

to gradually arrogate the land and possessions of the English crown.[68] Yet like the 'Causes', Cowley's 'Resume', and the earlier 'Discourses', the primary target of the 'Articles' was the lordship's present and seemingly perennial governor, the Earl of Kildare.

The crown had for so long relied on the Kildare earls that it had tacitly permitted their authority to become irretrievably entrenched, posing an intensifying danger to its own authority in Ireland. Even as Kildare was about to embark on his way to London, he insisted on and was permitted by the council to appoint his son interim governor in his stead.[69] As so many times in the past when called to London, he once more made certain that the broader support required by the crown to maintain order in the lordship was contingent solely on his authority. So effective was his ability to cow the lords and gentlemen who might otherwise oppose him, the author of the 'Articles' contested that when he was absent, 'none of your lordes of Parlement within the said 4 shiris, cum not to Parlement, nether to Counsaill, ne ayd none of your Deputies ther.'[70]

Each time, when safely returned to Ireland once more, Kildare engaged in numerous extortions to buttress his regime. By billeting troops in the Pale, he was able to maintain a retinue of some 160 kern and 200 galloglass, not including ancillary personnel. Other extortions were directed towards the maintenance and construction of his manors and castles to the tune of some £800(IR).[71] Still further extortions took the form of cuddies, the native Irish custom of imposing the costs of entertainment and lodging on local hosts such as monastic clergy or town gentlemen.[72]

Primary responsibility for the decay of Ireland had more to do with 'the traison, rebellion, extorcion, and wilfull ware of your forsaid Erles, and other English lordes, breking Your Grace is beneficiall lawis and statutes.' The culpability of the native Irish came only in their role as tools

[68] 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, p. 182.
[69] *CCM (1515-74)*, vol. 1, Cap. 84, pp. 98-99.
[70] 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, p. 184.
[71] About £536 in English sterling.
[72] Nicholls, *Gaelicised Ireland*, pp. 184-5; 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, p. 185.

of the Anglo-Irish lords, who deployed them in their disputes with each other. Out of all this, it was the king's subjects – 'gentilmen, freholders, and English husbanmen' – that suffered most.[73]

As in the 'Causes', the author here observes that the weal of the commons was sacrificed in favour of the 'particular welth' of the lords, who by 'Actes of Parlement, [and] by force wherof they haiv had the same landes, so wastyd, grauntyd to theym and ther heyrs, enhabiting the same with Irish rebels, wherby the English tong and English habite is decayd.' Still closer relations were forged between the lords and the native Irish, the former marrying their daughters to Irish captains, solidifying the foundations of cross-cultural alliances or affinities based on kinship, gossiprid, and fosterage. These relationships ensured not only that the native Irish were bound up in the wars of the Anglo-Irish magnates, but that the latter would take part in the disputes of the former.[74] The entire destructive process relied on both participants, but its causal inertia could for the greater part be found in the avidity of the magnates.

Many exactions employed by the nobles and great magnates had been adopted from Irish practice. Commentators therefore continued to address the issue of cultural contamination. The 'Articles' were no different, but the author reserved the bulk of his condemnation for those Anglo-Irish who actively adopted and practised Irish customs. A variety of extortions had been employed most intensively by magnates and nobles who sought to further augment their wealth, while marriage and semblable customs had been cultivated to enhance their respective *manraeds*. Chief among them, of course, stood Kildare, who cultivated his relationship with his Irish affinities and leveraged his stranglehold on the office of deputy to ensure that he remained indispensable in both cultural spheres. In the Gaelic arena, he exploited customs of extortion and forged a network of significant kinship bonds, most notably amongst the O'Neills, O'Connors, and O'Mores. In the English arena, he ensured that he had the lion's share of revenues from the lordship by maintaining those liberties and franchises granted to his father in 1505.[75]

[73] 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, p. 186.
[74] 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, pp. 185-7.
[75] 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, p. 185; Ellis, *Tudor Ireland*, p. 98.

Before the liberties and franchises of the Kildare earls had proliferated, the lesser nobility and gentlemen had been obedient, obeying the king's writ and supplying men for hostings. But as things now stood, 'none of them answer Your Grace, but all onely thErle of Kildar, whom they obey and ansswar, *as obedient as any subject in England do Your Grace*.'[76] The issue, then, was multifaceted; it was one of unequal grants or distribution of resources; unenforced law, particularly in regions dominated by the earls – either because they lacked the will, or because they simply lacked the institutional wherewithal, to enforce it; and native Irish cultural contamination.

Remedies

The author of the 'Articles', writing about the same time that Kildare departed, could not yet have been certain that the earl would not return; the literary campaign against him had to maintain its pressure. If the criticisms the author outlined were to be effective, he had also, in the form becoming commonplace in London administrative circles, to follow up with broader remedies, which he endeavoured to address in the final passages of his treatise.

Any action to be taken against the magnates had to acknowledge their power to influence 'the moyre part' of the Irish septs. Their influence had carefully to be displaced and the crown's inserted. Presumably, one way of accomplishing this was to attack the other foundations of the earls' authority: their lands, fortresses, and sources of income. Grants made since the reign of Edward II were therefore to be resumed to the crown. These would, in turn, provide a sustainable foundation upon which a truly English deputyship would rest.

Presently, the author opined, there were men 'not meit to syt in your Counsaill' who, by virtue of their positions as King's Serjeant and King's Attorney, nevertheless did. Of these men, the former, Thomas Luttrell, had succeeded to his position a month after Kildare resumed his deputyship in August 1532. The latter, Thomas St Lawrence, took office just a day after the earl was made deputy. It may be that the author regarded both men as adherents of Kildare; they certainly benefitted from Skeffington's departure and Kildare's assumption of the deputyship.

[76] 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, p. 186. Italics mine.

But he is careful to say nothing more than that their influence on the council should be neutered 'for many causes.'[77]

Piers Butler's desire to enforce English law, like all the earls, is brought under scrutiny. Two or three judges, the author declares, should sit at Kilkenny, Waterford, and Tipperary, twice a year. Sheriffs, coroners, escheators, and bailiffs were to be made there. Like expedients were to be taken in Desmond's lands.[78] English tenants in County Kildare were to be freed of extortions suffered by the earl's troops. Without the constant drain on their resources, the tenants would more readily be able to generate revenues for the crown; and with a more judiciously employed system of cess, they might also be able to support the king's troops as required. Then, the author says, 'shall Your Grace hav streinth, revenus, and men, and your said countie at your comaundment, wherby ye may the better reforme the rest of your English lordes.'[79] Both Kildare and Butler ought to account for any tributes they had made with the native Irish, and indent with the king to ensure that English law was enforced, revenues were collected, and extortion extinguished.

The king was called on to resume into his possession those garrisons and castles bordering the Pale, 'for what so ever he be, that hath the custody of them, may at all tymys, at his plesur, suffir your Irish rebels to entyr in your English pale, and envade your subjectes.'[80] Yet Kildare's influence was recognised to operate on both sides of that border. He was, accordingly, to be forbidden to 'meddle' with the king's captains of Meath, namely the: Tyrells, Daltons, Tuites, Dillons, Pettits, and Delameres, for each of these had been subjugated by the Kildares over the past fifty years, compromising the safety of the Pale. Before then, they had been ready to serve

[77] 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, p. 187.
[78] 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, p. 187.
[79] 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, p. 188.
[80] Garrisons and castles had been a key counterpart of settlement during Edward I's conquest of Wales. R.R. Davies, 'Colonial Wales', *Past and Present*, 65 (1974), pp. 3-23, pp. 9-10. The difference in Ireland seems to have been that the border was much more permeable, militarily, demographically, culturally, and perhaps even economically. In this sense, the danger of the magnates, and Kildare in particular, is that they were the embodiment of that permeability.

the king 'at all tymys when they weyr callyd upon, and at this day wold do, yf they weyr dischargit of ther extorcion.'[81]

Once a semblance of order had been established, Desmond might be dealt with. His recalcitrance was regarded by the author as having been fuelled to some degree by the apathy, or even collusion, of Kildare and Butler. The degree of their complicity was to be determined by the king and council while the two earls were in London. Peace was to be made with the native Irish to free-up the deputy's forces and isolate Desmond. To that end, towns in areas of Desmond influence were to be forbidden to deal with him. Once Desmond had been subdued or expelled, the deputy might then deal with the native Irish.

The Irish to the south of Dublin, including McMurrough, O'Byrne, and O'More were to be subdued and their lands confiscated, the best to be 'tak[en] out and reserv[ed] to Your Grace, and your heires, land, forest, and revenus, such as shalbe thogh most best plesaunt and profitable for you.' Residual lands were to be granted back to the respective Irish septs on English terms, depending on 'the quayntete of ther tenor.'[82] If their 'tenor' proved uncooperative, Kildare and Butler were to scourge their lands, 'invade and bwrn ther willages and townys, tak ther cattell from them, and affter this maner contynualy use them, unto such tyme they have delywyryd ther pleges to them.'[83] Targeting these septs was important in terms of defending Dublin, but also because, being surrounded by English on three sides (Dublin to the north, Kildare to the west, and Butler to the south), they were particularly vulnerable. O'More and O'Connor, still further west, could then be focussed upon.

The author of the 'Articles', however, was not advocating the sort of wholesale policy of displacement and scorched-earth later English writers and captains would come to embrace. The native Irish, he explained, could become loyal subjects, providing they indented with the crown and gave their pledges to the deputy. Those who had agreements with the Anglo-Irish earls were to transfer their allegiance to the king, who was, critically, to be the sovereign authority in the

[81] 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, p. 188.
[82] 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, pp. 189-90.
[83] Interestingly, the author appears to have envisioned a place for the magnates in a reformed lordship. Their inclusion might suggest an author more favourably disposed to the magnates than others at this time.

lordship.[84] The 'Articles', as in other treatises, while pointing out the dangers of native Irish influence, places an equal, if not greater, emphasis on the dangers of magnate authority. It was a position whose general popularity is evidenced in the initial legislative proposals for what was to become the Irish 'reformation' parliament of 1536-7, where 'the bills proceeded to provide for the protection of the Pale against over-mighty viceroys and lords, as much as against the Irish enemy.'[85]

Without articulating an outright conception of Irish barbarism as plainly as the author of the 'Causes', the author of the 'Articles' nevertheless hints at the need to protect English 'civility'. This was to be accomplished by educating the sons of Anglo-Irish families in English language, laws, and 'order'. Such an education would consequently teach them to eschew committing 'murders, felonies, and daly use [of] extorcyon of coyn and lyvery.'[86] Barbarism was therefore not yet seen as ethnically determined; it arose rather from a lack of education, and could be remedied in the Irish perhaps as simply as in the Anglo-Irish. In this, the author, as with those reform-minded writers in the two decades before him, offered a consideration that was consistent with, and that he perhaps hoped would also harmonise with, the humanist impulses of Henry VIII.

Somewhat less curable were relations with the Scots of Lecale, in the north of Ireland. The author reminds the reader of the Bruce invasion of 1315-18, when 10,000 Scotsmen entered Ireland and were eventually expelled after great losses on both sides.[87] Due to their value as mercenaries, the population of Irish-Scots had grown, and 'there was substantial "colonization" by the McDonald lords of Kintyre and Islay in north-east Ulster.'[88] Worse, however, was the prospect that further Scots colonists would be drawn there when it was found out just how fertile the land

[84] 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, p. 190.
[85] Ultimately, the emphasis of the proposed bills moved towards 'a legislative programme more definitely geared to the English ecclesiastical revolution.' Edwards, 'Irish Reformation Parliament', p. 64.
[86] 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, p. 191.
[87] Famine prevailed in Ireland throughout the years of invasion, and the Scottish king's brother, Edward Bruce, was killed in battle. Frame, *Colonial Ireland*, pp. 134, 136.
[88] Ellis, *Tudor Ireland*, p. 46. Many of these colonists and mercenaries were *gallóglaigh* or 'foreign warriors' of the McSweeneys and McDonnells, septs hailing from the western Isles of Scotland. Katharine Simms, 'Gaelic Warfare in the Middle Ages', in *A Military History of Ireland*, (eds.) Thomas Bartlett and Keith Jeffery (Cambridge, 1996), pp. 99-115, pp. 110-12.

of Ulster really was. Henry would have to meet their challenge now to avoid paying for the oversight later, as Edward II had been forced to do.

Private interests, as well as foreign, were responsible for many of the problems in Ireland. The self-interest of deputies had informed official appointments – long a part of their mandate. These had doubtless looked to their own interests, but the greater danger had been that they could not be counted on to provide good counsel, ever fearing 'losyng of ther offices,' should the deputy think their intentions contrary to his own interests. Judges, the Master of the Rolls, King's Serjeant, and King's Attorney, were all, therefore, to be appointed only by the crown.[89]

Private interests had also perverted the effectiveness of the lordship's officials. Many of these had been appointed to offices in Dublin but nevertheless still dwelled in England, executing their duties by proxy. These proxies were often men of law who, underpaid by their employers, were expected to make-do, but the reality was that in order to approach a living-wage, they were quietly expected to 'polle and extorcion your subjectes.'[90] The practice permitting these absentee officials was therefore to be ended.

Justice, too, had failed the commonweal in favour of private interest. For those subject to the law, 'yf they be pore wrachys, not havyng landes, ne goodes, ne frendes, then shall they have the extremetyss of justice; but yf he be a grete man, haivyng landes, othyr goodes, wherby your Deputie maye be pleased, then shall this malefactor have ys pardon.' The abuses of the magnates[91] – evidenced by their abjuration of recent indentures with the crown – had shown that they thought themselves above the law. In doing so they had also set a precedent that was being followed by the great officials and landowners of the lordship, who bribed their way out of variance with the courts. The field was to be levelled; wealthy men were to be punished as the

[89] 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, p. 191.
[90] This is what the author of the 'State of Ireland' appears to have been referring to when he described the king's subjects in the lordship as 'so grevyously vexyd dayly with the said courtes, that they be gladde to sell ther freholdes for ever, rather then to suffre alwaye the vexation of the said courtes.' *'State of Ireland', SP*, vol. vol. 2, 3, Cap. 1, p. 9.
[91] Notably once more including both Kildare *and* Butler, whose continuing rivalry 'hath sore decayd your subjectes within your English pale, and as far as the said Erles hath dominion.' 'Articleis and Instructions', *SP*, vol. 2, 3, Cap. 69, p. 192.

poor. Judicial appointments made solely by the crown would help to ensure that the law was applied and enforced equitably.

For the author of the 'Articles' the source of decay owed less to centuries of native Irish incursion and far more to the magnates' pursuit of their private weal, a practice that bred similar behaviour amongst the lordship's officials, including the deputy. As Maginn and Ellis point out, the treatment of the native Irish was separate and secondary to the more imminent threat of magnate abuses. They observe that here 'there was no discussion of a second phase, that is, a general reform or conquest of Ireland.' Instead, the 'Irish of south Leinster,' in particular, 'were themselves earmarked for reform.' Critically, like many other treatises, it 'presented the king with a plan for incremental, or particular, reforms that could be accomplished in stages.'[92]

While Maginn and Ellis assert that the appeal to the crown of such gradual or 'incremental' reforms was in their economic expediency, it should be duly considered that broader, general schemes of reformation would more naturally have appealed to the crown owing to the plenary nature of ancient claims over the whole of Ireland. The issue to be interrogated from the outset of Henry VIII's reign – and owing to the pecularities of his own personality, upbringing, and humanist education – was how to re-assert those ancient claims on the basis of contemporary understandings of claim and title, ones that eschewed justifications based purely on conquest, held at bay and influenced by prevailing humanist intellectual currents.

'Ordinances for the Government of Ireland' (*a*. Oct. 1534)[93]

The crown's response to the treatises of the early 1530s, the 'Ordinances', was drawn up late in 1534. It represented the first major set of policies relating to Ireland articulated by the king's new chief minister, Thomas Cromwell. Some historians, like Ellis, see little value in the 'ragbag of instructions of the sort which most incoming deputies received,' apart from the act of their publication – the 'first use of the press in an Irish context.'[94] As such, the crown's willingness to commit to enforcement, more than any innovation in the content of the 'Ordinances', was seen

[92] Maginn and Ellis, *Tudor Discovery*, pp. 163-4.
[93] 'Ordinances for the Government of Ireland (1534)', *SP*, vol. 2, 3, Cap. 80, pp. 207-16.
[94] Ellis, *Tudor Ireland*, pp. 123-4.

to be the salient thing about them. Indeed, the publication of the 'Ordinances' represented a significant amplification of Henry's and Cromwell's dedication to a revitalised programme of reform in the lordship.

Authorship

Ellis' views of the value of the reform discourse appears to have softened: some years later, writing with Christopher Maginn, they observed that the 'Ordinances' may have received some input from Patrick Finglas, who was still active in administrative circles at the time.[95] According to them, in addition to Finglas, its composition most certainly owed a debt to what was likely a tract of William Darcy composed *c*. 1519, which contained numerous similarly worded articles.[96] Elements of the reform literature are in some respects tedious, as Bradshaw has noted. But Cromwell's 'Ordinances' – 'the Kinges printeid booke, and thorders ther mencyoned' – are expressly cited in the Master of Rolls', John Alen's, treatise presented to the king's commissioners in 1537.[97] They therefore point to the continued, collaborative, and constructive quality of the overall reform discourse.

The 'Ordinances'

It is true that significant sections of the 'Ordinances' were recapitulations of familiar responses to old grievances.[98] It should be remembered, however, given the fresh disturbances of the

[95] Maginn and Ellis, *Tudor Discovery*, p. 28.

[96] Maginn and Ellis reason that the *c*. 1519 tract, titled 'Ordynau[n]ces and provisions for this lande of Irelande' and appearing in the Hatfield Compendium, was composed by 'a Palesman and a royal official who was intimately familiar with arrangements for the defence and administration of the English Pale. The prominence given to Meath in the arrangements for hostings (articles 23 and 30) may also suggest he was a Meath landowner. As to who that author was, the most likely candidate is Sir William Darcy.' Maginn and Ellis, *Tudor Discovery*, pp. 56-62. This is the same document that historian Walter Harris conflated with Darcy's 1515 'Articles' and Patrick Finglas' 1536 'Brevyate of the conqueste of Irland and of the decay of the same' (of which there were two recensions, one in the hand of his son, Thomas). See Chapter 2 for details.

[97] Alen's treatise calls for strong limitations on the use of coyne and livery, but only as directed, he says, 'by the Kinges printeid booke, and thorders ther mencyoned observid.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, p. 495. The printed 'Ordinances' provide an inventory of which ecclesiastical men were to supply the deputy's hostings with soldiers, as well as how many. It also provides numbers relating to how many men the lords of the respective shires should supply the deputy and permit to be cessed on their lands. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 80, pp. 212-14.

[98] For example, as Maginn and Ellis note, 'the duties of justices and wardens of the peace are known from earlier sources.' Other examples of repetition, such as an article in the 'Ordinances' relating to fines levied for bearing inappropriate arms, and one relating to a mysterious statute of Spanish wines, support their notion that the

1530s, that they were intended to provide administrative guidelines and buttress the legitimacy of the incoming deputy, William Skeffington, who had the unenviable task of quelling rebellion and overseeing the beginning of religious reform. Skeffington was appointed between May and July 1534, and the crown-sanctioned, printed publication that accompanied him to Ireland demonstrated that the circumstances in the lordship were being taken seriously. By borrowing heavily from the works of other reformers over the past half-century, the 'Ordinances' were designed to soothe the fears of the Palesmen. The document maintained an administrative *status quo,* even as the *de facto* Geraldine leaders of that administration were being hunted in the midlands.

Customs

Articles dealing with cultural matters had a long pedigree, even if they had rarely been enforced.[99] The 'Ordinances' were no different in this respect; they abolished a variety of traditional native Irish customs: 'cuddies', extortion of goods and monies levied on tenants to be paid towards the progresses of visiting deputies and lords, 'bienges', coyne and livery, 'erikkes, and sautes', and 'cartage'.[100]

But new concerns were coming to the fore in the context of the early 1530s, products of the heaving political and ecclesiastical reforms in England 'which shifted focus back to internal security and cast a very different light on the borderers' traditional lawlessness.' Perceptions of lawlessness in the lordship were increasingly being equated with cultural degradation, and both were qualities that ran contrary to the centralising intentions of Henry and Cromwell, and 'began to be seen as a distinct threat to royal authority.'[101]

'Ordinances' borrowed heavily from Darcy's *c*. 1519 tract. Maginn and Ellis, *Tudor Discovery*, p. 59; 'Ordinances (1534)', *SP*, vol. 2, 3, Cap. 80, pp. 213, 216.

[99] Butler (ed.), *The Statutes at Large Passed in the Parliaments Held in Ireland (1310-1786)*, Cap. 1, pp. 10-11.

[100] Like many Irish customs adopted by the English, prohibitions against such '*éraics*' in the late-medieval period 'were widely ignored, revealing the inability of the crown either to implement English common law in the Norman lordships or to impose it upon the Gaelic nobility.' Patterson, 'Gaelic law and the Tudor Conquest of Ireland: The Social Background of the Sixteenth-Century Recensions of the Pseudo-Historical Prologue to the *Senchas Már*', p. 200. Murder was to be punished according to the king's laws. While cartage was to be punished with 'treble amends', other transgressions were to see double amends made, with a further amount reserved to the king for repeat offences. 'Ordinances (1534)', *SP*, vol. 2, 3, Cap. 80, pp. 210-11.

[101] Ellis, 'England and "the Celtic Fringe"', *Ireland and the English World in the Late Middle Ages*, pp. 183, 185.

While the crown's wariness of cultural depredation is evident in the 'Ordinances', driven by strong and frequently articulated humanist impulses, Henry's intentions had – since at least the early 1520s – been to entice rebel English and native Irish with promises of pardons and regrants and some degree of equal treatment. The cultural provisions in the 'Ordinances' must be regarded within this context. At the same time, however, significance in the development of the distinctly colonialist, anti-Irish discourse cannot be ignored.

Law and Order

The 'Ordinances' focusses on administration and the rule of law in Ireland. Fines for various offences were to be paid to, and accounted for by, the Clerk of the Hanaper. Justices of the Peace, officers of gaol delivery, judges of oyer and terminer, sheriffs, escheators, and others were to have their patents from the Chancery, and records of their appointments were to be kept with greater care than hitherto. The Chancellor himself was, during the law terms, to call all the judges of the king's courts, as well as some lords and councillors, to sit twice a week, 'there to receyve and here suche compleyntes as the Kynges subjectes shal exhibite, and take order therin accordyngely.' Here were clear efforts to address what had been long-standing issues of bad or non-existent record-keeping. Indeed, a further item required that 'the Deputie and Counsaylle take a substanciall direction for conservynge and kepynge of the Kynges recordes.'[102]

Just as important, of course, was that the structure of the administration reflected the flow of authority from the crown, so all officials were to take their mandates from the king, account for their actions to the appropriate authority, and have those actions duly recorded. It is evident from the sequence of 'Items' laid out in this section of the 'Ordinances' that the previous deputy had intervened to disrupt the normal framework of authority in the lordship. Yet another item impugns him for granting lands, manors, and tenements at the expense of the king's revenues. Such patents, it was affirmed, were to come only from the king, authorised by the King's Seal, and all revenues therefrom were to be recorded and accounted for, as one might expect, in the Exchequer.[103]

[102] 'Ordinances (1534)', *SP*, vol. 2, 3, Cap. 80, p. 209.
[103] 'Ordinances (1534)', *SP*, vol. 2, 3, Cap. 80, p. 209.

Leinster received particular emphasis in terms of the enforcement of law. There, the deputy and council were to 'take an order' for gaol deliveries in all the major regions along the east coast, from Dublin and Meath to Carlow and Wexford. Notably, franchises and liberties were to be included, and 'other officers of cities and corporate townes', were to assist the king's judges in their duties. Pointedly, the 'Ordinances' declared that 'the pretended lybertie of Kyldare shal cesse from hensforth.' All in Counties Kildare, Carlow, Kilkenny, and Wexford were affirmed to be subjects of the king and ought to obey the king's officers, to be appointed by patent in short order.[104]

Defence

The 'Ordinances', however, are most heavily concerned with defence. The issue of the lordship's defence aligned in some respects with the crown's previously expressed reservation that the adoption of Gaelic practices did not compliment a strong central authority. Customs of partible inheritance tended to fragment holdings. Rural Gaelic and urban English dwellers speaking in their respective languages were predictably alienated, causing social friction. Irish or brehon law was locally-situated, the office passed down from generation to generation in particular families, and was oriented to the chiefdom rather than a whole, comprehensive polity.[105] Finally, chiefs – and particularly great lords like Kildare and Desmond – had had questionable dealings over the years with foreign powers like France and Spain, and pretenders like Lambert Simnel and Perkin Warbeck. It was a small leap to come to the conclusion that any coherent policy of defence for

[104] But also notable was that the protection of some liberties were ensured; such liberties could only be overruled by a writ of *Quo Warranto*, used to determine 'how much royal judicial and political power was illegally held' by the king's tenants-in-chief. 'Ordinances (1534)', *SP*, vol. 2, 3, Cap. 80, p. 210; Lyon, *Constitutional and Legal History*, p. 402.

[105] For the kin-oriented nature of brehon law, see, for example, Patterson's examination of the O'Dorans, two familial branches of brehons covering large swathes in Leinster as well as westward towards Galway, although he admits of being 'unclear how closely linked [these] were [to] the various local families.' Nevertheless, he associates the southern branch to the Kavanaghs of Ferns. Patterson, 'Gaelic law and the Tudor Conquest of Ireland: The Social Background of the Sixteenth-Century Recensions of the Pseudo-Historical Prologue to the *Senchas Már*', pp. 195-6. Brehons are regarded as having been active throughout the sixteenth century. Nerys Patterson, 'Brehon Law in Late Medieval Ireland: 'Antiquarian and Obsolete' or 'Traditional and Functional'?', *Cambridge Medieval Celtic Studies*, 17 (1989), pp. 43-63, p. 47.

the lordship would have to address the matter of cultural differences, even if in the somewhat reserved, repetitive, bureaucratic manner seen in the 'Ordinances'.

At the outset of the 'Ordinances', Cromwell made certain to point out that unilateral declarations of war against the Irish by any lord were unacceptable. Retaliation against Irish aggression was to be expected under certain circumstances, but it was paramount that any decisions as to decisive action were to be undertaken by a suitable proxy for central authority, namely a Dublin council comprising officials unquestionably loyal to the crown.

Significantly, the deputy was singled out as one to whom this prohibition was most directed. Conciliarism rather than individual caprice was to be a keystone of any reform programme in the future. This may have been due to a sense on the part of Cromwell that coyne and livery, particularly as it was being used by deputies, was well out of control. Many subsequent articles deal with means to curb its abuse, such as by restricting the deputy's retinue and limiting the areas and times he might employ the levy.[106]

While the deputy was to endure some restrictions, the importance of local leadership in vulnerable regions was recognised. In the marches, captains were to be elected by the gentlemen residing there in consultation with the deputy and Dublin council. Defence was to be collaborative, though still ultimately subject to the central authority. Because the marchers were expected to contribute to their own defence, provisions were to be made to protect them from unrelated impositions, but, of necessity, some might be expected from the deputy and local captains in times of crisis.[107]

Musters were to be held twice yearly and the importance of hostings and journeys were re-affirmed. Gentlemen of each of the Pale shires were to provide a quota of soldiers: Meath, 120 kern; Uriell, 80 kern; Dublin, 24 kern; and Kildare and Carlow 'as the Erle of Kyldare used to cesse there.' The burghers of the towns, too, were to send companies of soldiery. Also vital was how the men were armed and accoutred: a fine was to be levied for any man carrying a spear rather

[106] 'Ordinances (1534)', *SP*, vol. 2, 3, Cap. 80, pp. 207-8.
[107] 'Ordinances (1534)', *SP*, vol. 2, 3, Cap. 80, pp. 211-2.

than a bow. Were his soldiers found wanting by the deputy during the hosting, the master was to be fined accordingly, as though he had failed to provide a man at all.[108]

The Church

The 'Ordinances' represent the first manifestation of crown policy for Ireland in the wake of its break with Rome. In a powerful passage, it proclaims:

> consyderynge that the Kynges subjectes…be so invironned with Kynges Iryshe rebelles…for resystynge werof, the temporall lordes, gentyll men, and other of the laye people, at theyr own propre charges, must of necessitie…practise continually the feates of warre…it is consonant to all reason, conscience, and equitie, that…sembably the spiritualle personnes havynge no lesse benefite therby…shulde, at the leaste, contribute to suche roodes and journayes, sendynge companyes with the Kynges Deputie therunto, after the rate as the temporaltie doth.[109]

Accordingly, both spiritual and temporal subjects were to provide a portion of their revenues. A list of archbishops, bishops, abbots, deans, priors, proctors, and other ecclesiastical lords is presented, with the contributions of archers and gunners each was to provide.[110]

The significance of this sort of rhetoric, manifestly different from the more banal language and lists that permeate the document, was not isolated. A further passage is suggestive that the author of the 'Ordinances', possibly Cromwell himself, was not only pressing the obvious agenda relating to Henry's great matter, but was also responding to a mode of reform discourse that had been established as early as 1515, in the anonymous 'State of Ireland'. For in the 'Ordinances', the decay of Ireland was directly linked to 'thabhomynable abuse and usurpation of the Bishoppe of Romes jurisdiction.' The latter had not only 'distroyed the Churches of Irelande,' but had also been 'the moost occasion of the division and discencion amonges the people of the sayd lande.'

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[108] Men were to be armed with bows, arrows, bills, and sallets if their worth was above £4. Those with goods worth above £10 were in addition to bear a jacke or 'coote of defence'. Husbandmen who took 13s 4d per year were to ensure they could supply themselves with a bill, 'scull' or helmet, or bow and arrows. 'Ordinances (1534)', *SP*, vol. 2, 3, Cap. 80, pp. 208-9, 213.
[109] 'Ordinances (1534)', *SP*, vol. 2, 3, Cap. 80, pp. 212.
[110] 'Ordinances (1534)', *SP*, vol. 2, 3, Cap. 80, pp. 212-3.

In short, like the tyranny of the magnates over the centuries since the initial conquest of Ireland, so too had the church, engaged in 'the dissolation, ruyn, and decaye of the same.'[111]

The 'Ordinances', much like the literature of complaint of the fifteenth century, sought to remind the king of his royal responsibilities. It was incumbent upon him, as a 'moste vertuous christen Prince,' naturally, to 'above al thynges, [desire] the repressyng of any enormitie or abuse, whiche, by any meane, mought tende to the violation of the lawes of God.'[112] There were few other more despicable political violations, in the eyes of the sixteenth-century English humanist milieu, than that of tyranny. In the context of the early 1530s and Henry's break with Rome, the tyranny of the Anglo-Irish magnates, so consistent a theme in the reform discourse of the previous decades, could finally and unreservedly be linked to the anti-papal rhetoric prevalent across the Irish Sea, in England proper.[113]

Conclusion

The 'Causes' and the 'Articles' continued to stress to the crown the inordinate powers of the magnates. Perhaps hoping to appeal to the king's high ideals, they framed some of their arguments in the terms of humanism, highlighting the triumph of private gain over the commonweal. There could be little doubt that the brunt of their ire was directed at Kildare, who they accused of usurping the crown's sovereignty in the lordship, and doing so without consequence. Critically, they argued that Kildare was able to maintain his influence in Ireland even when absent by cowing officials and leveraging his affinities. For both authors, one of the key solutions was to install an English deputy and begin a particular reformation of regions around the Pale, funding both through a resumption of magnate liberties.

[111] 'Ordinances (1534)', *SP*, vol. 2, 3, Cap. 80, pp. 215.
[112] 'Ordinances (1534)', *SP*, vol. 2, 3, Cap. 80, pp. 215.
[113] Most popularly, Jerome Barlow's *Burial of the Mass* (1527) and Simon Fish's *Supplication of the Beggars* (1529), where the clergy were portrayed in popular stereotypes as, for example, '"ravenous wolves" preying in their greedy idleness on the poor commons of the realm,' much as the magnates and other nobles of Ireland had been depicted in the treatises of the 1510s, 20s, and early 30s. Elton, *Reform and Reformation: England, 1509-1558*, pp. 118-19.

Both treatises represented significant additions to increasingly strident calls for the expulsion of Kildare. Yet the authors, writing on the eve of Kildare's recall, had nevertheless to be somewhat cautious given the well-established pattern of Kildare earls earning only a brief royal rebuke before being reinstated as governors. But however emboldened they may have been, and however tenuous or, as Ellis suggests, unaffected, Kildare's grasp on power was, within a few months they found that if their words had had no affect on the king or his councillors, prevailing circumstances did. The ninth earl finally made his way to London in early 1534, where he remained until his death the following September. His hot-tempered son, by June, indignant at his father's detention in England, rebelled. Reform, at least for the crown, was no longer an option; notably, it was now an opportunity. The crown responded with the appointment of an English-born governor, the first in over a decade, and a set of instructions to guide him.

Far from a 'rag-bag' dismissal of reform, those instructions – the 'Ordinances' – provided vital affirmation that reform in Ireland was an objective much on the minds of Henry and Cromwell. It engaged with and responded to an evolving discourse of reform in the Irish context in a language its local proponents were familiar with, and were, in fact, themselves employing in treatises, like the 'Causes' and 'Articles', seeking to secure the expulsion of Kildare and ensure the sidelining of the great Anglo-Irish magnates. The 'Ordinances', then, were not a banal, bureaucratic dismissal of reform,[114] or simple instructions for an incoming deputy, rather they were an affirmation and a promise of continued discourse.

[114] See, for example, Quinn's semblable interpretation of the 'Ordinances': Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 686.

Chapter 8 – Rebellion, Reformation, and St Leger's 1537-8 Commission

Introduction

From around 1515, the evidence shows that calls for reform grew longer and more frequent, hitting their peak at the time of St Leger's 1537-8 commission.[1] It was this commission that prepared the way for the conciliatory policies of the 1540s, the Act for Kingly Title in 1541, and its associated programme of surrender and regrant. This final chapter explores the period from 1534 to 1538, including the Kildare rebellion and the consequences it had for the first Irish reform parliament of 1536-7, as well as the submissions received by the crown commission soliciting input from administrative officials relating to the reform of the lordship, including: John Alen's 'To…the Kinges Commiyssioners in Ireland', Bishop Staples' 'A certen Information for…[the] honourable Commyssioners', Robert Cowley's 'To My Lord and Maister, my Lorde Prive Seale', Leonard Grey's 'The Lorde Deputes Boke', and Thomas Luttrell's 'The Justice Luttrell's Booke'.

The Kildare revolt of 1534 occurred at the same time that ambitions for political and ecclesiastical reform in England were coming to fruition. The English parliament's monumental declaration in the 1532 Statute in Restraint of Appeals that 'this Realme of Englond is an Impire,' while solving Henry's matrimonial issues in the short term, created other problems whose consequences in the lordship were in no way mitigated by distance or the interposition of the Irish Sea.[2] The subsequent Act of Supremacy passed by the English parliament in 1534 was opportunistically employed by 'Silken' Thomas, the nominal tenth Earl of Kildare,[3] to fuel his revolt against English authority in the lordship. But in spite of the consequences that Act had for the church in England, in Ireland, dissention had less to do with religious scruples and more with continued attempts by the crown and many Palesmen to extinguish the Kildare hegemony.[4]

[1] A level not reached again until 1571. Heffernan, *Debating Tudor Policy*, p. 4.
[2] The Statutes of the Realm, 'Statute in Restraint of Appeals (1532-3)', 24 Henry VIII c12, pp. 427-9.
[3] The ninth earl died on 2 September 1534, his title passing by default to his son.
[4] Ellis, following Elton, declared that Kildare's rebellion was '[p]robably the most determined challenge to the [Cromwellian] revolution.' Ellis, 'Kildare Rebellion', p. 807; Elton, *Policy and Police: the Enforcement of the Reformation in the Age of Thomas Cromwell*, p. 3. Bradshaw discussed the absence of significant disaffection in

But the effect of the rebellion – fortuitously for the crown – was to fuse the battle against the church in the English context with the fight against magnate authority in the Irish one. Ultimately, victory for the crown resulted in the welcome subduing of both. The first expression of victory came in the parliament of 1536-7, when the king and his subjects in the lordship negotiated the fallout of Kildare's demise, and sought to harmonise the legislation stemming from the supremacy in England with that in Ireland.

The second expression of victory came in the wake of a comprehensive commission in 1537-8 soliciting input from Dublin officials and other interested parties. The ensuing Act for Kingly Title, conferring on Henry VIII the title of King of Ireland, Canny relates, implied that 'all the inhabitants of the country, and not only those resident within the confines of a circumscribed lordship, were subjects of the crown.' Further, '[t]he mechanism then devised for giving those previously regarded as enemies of the crown an opportunity to profess their allegiance to the monarch is that known to historians as Surrender and Regrant.' It 'committed the government to enter into negotiations with the existing Irish provincial lords and offer them full legal rights under the common law provided they professed loyalty to the crown and agreed to become agents of crown interests within their lordships.'[5]

The Kildare Rebellion and its Contingencies

On 11 June 1534, Thomas Fitzgerald – immortalised by his bard as "Silken Thomas" for the silk embroidery worn by his horsemen – ceremoniously entered Dublin with his entourage and surrendered the sword of state.[6] It was a clarion call intended to resound amongst Kildare's Anglo-Irish and native Irish allies, calling on them to unite against the crown for detaining his

Ireland arising from the break with Rome, and Thomas' failure to 'give his political struggle a religious dimension.' He points out that the legislation relating to the Supremacy was passed in the very first session of the 1536 Irish parliament 'without a murmur of dissent from either lords or commons.' Brendan Bradshaw, 'The Opposition to the Ecclesiastical Legislation in the Irish Reformation Parliament', *Irish Historical Studies*, 16, 63 (1969), pp. 285-303, pp. 288-290, and *passim*; Bradshaw, 'Cromwellian Reform and the Origins of the Kildare Rebellion, 1533–34', p. 92. Heffernan, too, has pointed out that ecclesiastical disaffection had much to do, rather, with problems 'broadly similar to those found in the pre-Reformation Church.' The 'principal issue,' he says, 'was the relative poverty of the Irish Church.' Heffernan, *Debating Tudor Policy*, p. 55.

[5] Canny, *Making Ireland British*, p. 45.

[6] McCorristine, *Revolt of Silken Thomas*, p. 17.

father in the Tower, and for having the temerity to break with the traditional occasional royal rebuke and reinstatement as governor.[7]

Thomas' act brought years of Geraldine treason out into the open,[8] putting Henry in the ambivalent position of having to answer, once and for all, the question of how the English monarch might govern in Ireland without the authority and connections of a Kildare earl. While an administration guided by magnate rule had been practical in terms of limiting a drain on revenue, it nevertheless remained the singular target of an increasingly vocal segment of the Pale gentry who opposed rule by either magnate faction, Geraldine or Butler.

The clerical establishment in Ireland, moreover, was known to be far more conservative than its English counterpart. How, then, could Henry and Cromwell expect to enforce the English parliament's statutes relating to either imperial sovereignty or the king's supremacy over spiritual matters in a region over which they possessed only tenuous administrative control in either sphere? This problem had only recently been ignited by Cromwell's solution to the 'great matter' of the king's divorce – by the advent of the temporal supremacy of parliament and the spiritual supremacy of the king.[9]

Clerical conservatism notwithstanding, the revolt of Silken Thomas provided the crown with a perfect opportunity to displace magnate rule and forever banish the last vestiges of 'bastard feudalism' from its dominions. For Thomas, it was an opportunistic political gambit that he and his allies attempted to tie to clerical reservations about the supremacy in Ireland and to burgeoning religious dissent in England.

As early as August 1534, there is evidence that Thomas had been busy proclaiming loyalty to the Pope and opposition to Henry's divorce.[10] Yet just a few years earlier his father had added his

[7] Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 686.
[8] Ellis notes that a crisis 'had long been looming in the administration of the colony,' owing primarily to the great costs of effective, direct intervention and rule. Ellis, 'Kildare Rebellion', p. 808.
[9] Ellis, 'Kildare Rebellion', p. 808.
[10] Ellis, 'Kildare Rebellion', p. 813; *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 73, p. 198; Pascual de Gayangos (ed.), 'Calendar of State Papers, Spain (1534-5)', *Calendar of State Papers, Spain (1534-1535)*, Cap. 86, Accessed 8 April 2018, http://www.british-history.ac.uk/cal-state-papers/spain/vol5/no1/pp248-252.

name to a list of the great men of the English realm who were petitioning Pope Clement VII 'to consent to the King's desires, and pointing out the evils which arise from delaying the divorce.'[11] Once the die of rebellion was cast however, good relations and the assistance of Henry's enemies became one of the few strategies Thomas could pursue. According to a letter of John Alen to Cromwell in December 1534, Thomas sent his chaplain to Rome alleging proof 'that the kinge hold this lande of the See of Rome,' and that 'the King and his realme to be heretiques.'[12] Papal intervention in the lordship of Ireland, then, would be entirely justified. The appeal, which invoked King John's oath of vassalage to Pope Innocent III in May 1213, making England and Ireland papal fiefs, also tacitly admitted the suzerainty of England over Ireland, at least so long as the king was not – as Thomas asserted – a heretic.[13]

Ellis observes that the notion of Ireland as a papal fief 'still had wide currency,' and would affect the king's 'later decision to assume the title of King of Ireland.' In the short term, however, highlighting the English king's violation of an ancient agreement with the papacy got the ball rolling on Kildare's mission to garner support inside and outside of the lordship.[14]

Thomas also sought other sympathetic international partners, including Scotland, France, and Spain, with only the latter offering up any significant hope for material assistance.[15] While some munitions seem to have made it to Ireland, their source is uncertain, and Charles' interests in Ireland were nevertheless secondary to Spanish diplomacy in the Mediterranean, specifically in operations against the Turks. Stirring up further trouble in Ireland would divert efforts of a

[11] *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII (1529-30)* (London, 1876), vol. 4-3, Cap. 6513, pp. 29-30.
[12] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 82, p. 222.
[13] Martin, 'John, Lord of Ireland, 1185-1216', *NHI (1169-1534)*, vol. 2, p. 148.
[14] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 82, p. 222; Ellis, 'Kildare Rebellion', pp. 813-14.
[15] As early as 27 June 1534, just over two weeks after the revolt began, Charles V had an agent, his chaplain, Gonzalo Fernandez, in the earldom of Desmond, having curiously departed from Spain for Ireland some five days before the revolt broke out. Charles V had long regarded Desmond as a useful tool, having established contact with him as early as 1518. By 1528, Desmond reached out to the Emperor for military support. In 1533, 'the emperor's interest in the Geraldines was rekindled...The emperor hoped that by using the earl's [Kildare's] kinsman in Munster as an intermediary he could enlist Kildare's support against Henry VIII.' Siochrú, 'Foreign Involvement in the Revolt of Silken Thomas, 1534-5', p. 52. By late 1534, Kildare was emboldened when another ambassador of the Emperor arrived, bringing 'letters of encouragement,' offering to 'send into Ireland to encourage the Irish to rebel against England and to maintain the cause of our aunt and the Princess.' *LP (1534)*, vol. 7, Cap. 1425, p. 537.

détente between the English and French on his unprotected flank.[16] Indeed, it appeared by late 1534 that whatever threat England and France posed had been suitably mitigated, enough so that early the following year Spanish promises of troops began to falter and fade into nothing but words. Kildare's promise to conquer England and Ireland with the aid of a Spanish force 10,000 strong must have begun to sound somewhat absurd, particularly in light of the Emperor's instruction to Chapuys, his English ambassador, to work towards an agreement with Henry. 'This decision,' taken in late February, Ellis observes, 'probably ended all consideration of sending help to the insurgents in Ireland.'[17]

11 June 1534 is the conventional date given to represent the beginning of the revolt of 'Silken Thomas'.[18] While tensions surrounding the circumstances of the revolt had been present since at least 1528, the reform treatises composed or compiled since 1515 also represented a reasonably consistent, if somewhat repetitive, itemisation of problems some Palesmen had with magnate rule. While a full-scale rebellion was not necessarily their goal, the long-held desires of the crown and the Palesmen to diminish magnate rule likely helped to ignite it, presenting further opportunity to pursue more aggressive attempts at reforming the lordship.[19] Significantly, each had diverging ideas about how that was to be achieved.

The scope of the rebellion was not initially clear. The death of Archbishop Alen while prisoner of Thomas may have signalled something of the gravity of his opposition. But Thomas quickly gathered powerful and strategically situated allies like O'Connor, close to the Pale, who set about 'burnyng and distroying Your Gracys Inglyche subjectes.'[20] Sometime in October the rebels took Dublin, including its castle with its stores of munitions, and continued to cause havoc in the countryside.[21] It was not until later in the month that the crown and an ageing Skeffington were

[16] Ellis observes that 'the insurrection came as a godsend to the emperor, because it hindered Henry from combining with Francis I to attack him in the rear whilst he was away.' Ellis, 'Kildare Rebellion', pp. 822-3
[17] Ellis, 'Kildare Rebellion', p. 824. For Charles V's letter to Chapuys, see: *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII (1535)* (London, 1885), vol. 8, Cap. 272, pp. 108-12.
[18] *Cf*. Quinn, 'The Reemergence of English Policy as a Major Factor in Irish Affairs, 1520-34', *NHI (1169-1534)*, vol. 2, p. 686, who suggests that Thomas' siege of Dublin the following month more properly denotes the 'point of no return.'
[19] But *cf*. McCorristine, *Revolt of Silken Thomas*, p. 56.
[20] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 76, p. 201.
[21] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 78, pp. 203-4.

able to pull together and finally send the forces necessary to counter the Kildare threat. But their efforts were stalled by Skeffington's ill health, the approaching winter, and Thomas' strategy of non-engagement. It was not until the following spring that Skeffington found the opportunity to besiege and take the earl's castle at Maynooth. Several months would pass as Thomas retreated into the midland woods and bogs biding his time and vainly hoping for the support of the continental powers. Eventually left without options, Thomas surrendered himself to Leonard Grey, then Marshal of the English army in Ireland on 24 August 1535.[22]

With Kildare hegemony in Ireland now extinguished, the question became whether the crown would pursue a general or a particular reformation of Ireland. More specifically, which way presented the more realistic or practical proposition: a particular reformation that claimed only a part of Ireland and relied on direct confrontation with the native Irish, or a general reformation that claimed the whole and rested on native Irish inclusion.

The Parliament of 1536-7

Before the crown could shift its focus to any claims beyond the borders of the Pale, it first had to deal with the dissention within the so-called *maghery*, or 'land of peace' – the four shires around Dublin, from which Kildare had drawn most of his support.[23] Most reform writers, no matter how different their political inclinations, affirmed in one way or another that the greatest threat to the lordship had not been the native Irish, but rather the English rebels in the Pale, on its borders, as well as further afield.

This was, then, one of the very practical reasons that led Henry and Cromwell to call for a reforming parliament in Ireland, just as it had in England beginning in 1529. Enduring peace in the lordship would be dependent on the support of the lords and gentry of the Pale, and this appears to be why the punishments meted out after the Kildare rebellion were so well

[22] A force of 2,300 men accompanied Skeffington, the largest since Richard II. Ellis, *Tudor Ireland*, p. 127. 'The fall of Maynooth castle on 23 March 1535,' says Lennon, 'proved to be of decisive psychological significance…The forty defenders who survived were executed *in terrorem*.' Thomas retreated to the midlands and the protection of his brother-in-law, Brian O'Connor. Lennon, *Incomplete Conquest*, pp. 109-10; *CCM (1515-74)*, vol. 1, Cap. 51, pp. 64-5; *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 103, p. 275.
[23] Ellis, 'Kildare Rebellion', p. 817.

moderated.[24] The support of crown policy by the gentry of the Pale would be critical in gaining further certification of reform bills in the Irish parliament. Only then could a more comprehensive, island-wide reform programme be addressed. Yet the initial hurdle of getting the Palesmen onside proved more difficult than either Cromwell or Henry anticipated.

As early as August 1534, Cromwell had designs to call a parliament for the following January.[25] But the parliament was delayed owing to stiffer resistance than expected during the rebellion, and the opportunity for it to meet did not eventuate until January 1536, several months after Thomas' surrender. Before the first session of parliament, John Alen, Master of the Rolls, and Gerald Aylmer, Chief Baron of the Exchequer, were sent to London with draft bills in June 1535. Thirteen in all, these were concerned with a range of issues. Several had to do with limiting abuses by local seneschals or stewards, as well as making provisions for twice yearly visitations of commissions of the peace to uphold the common law; these broadly sought to 'provide for the protection of the Pale against over-mighty viceroys and lords, as much as against the Irish enemy.'[26] Others addressed economic concerns like transporting unwrought wool out of Ireland; the movements of so-called gray merchants, who by-passed legitimate markets to the detriment of towns and customers; and crown fishing rights and customs. Further bills offered to enforce

[24] Ellis, 'Kildare Rebellion', p. 818-9. Edwards infers that the consensus reached on the Dublin council on 16 June 1535, which 'sanction[ed] the issue of pardons on payment of fines,' for all but those most directly involved in the Kildare rebellion, was an implicit recognition of how important it was to get those nobles and gentlemen of the Pale, who had aided Kildare, on-side in order to facilitate a more comprehensive programme of reform. Edwards, 'Irish Reformation Parliament', p. 63; *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 91, p. 246. But *cf*. an earlier commission that began the process of monastic dissolutions without reference to parliament, risking the alienation of important support from a broad section of Palesmen. In the event, the letters patent for the dissolution of what amounted to eight monasteries, were not issued until 6 May 1536. Edwards, 'Irish Reformation Parliament', pp. 64, 70. For more on the tension between what Ellis describes as the king's 'desire for revenge' and the necessity of tempering the severity of prosecution against the rebels, see: Steven G. Ellis, 'Henry VIII, Rebellion and the Rule of Law', *The Historical Journal*, 24, 3 (1981), pp. 513-31, pp. 517-9. Ellis acknowledges, however, that Henry's own opinions were not clear-cut, and that he 'inclined towards a certain measure of leniency in the case of the Fitzgeralds themselves.' Nevertheless, in the event, 'the Palesmen were insistent on the attainder and execution of the leading Geraldines in order to insure themselves against Kildare's revenge on them.' Ellis, 'Henry VIII, Rebellion and the Rule of Law', pp. 523-4.

[25] *LP (1534)*, vol. 7, Cap. 1211, p. 470.

[26] Edwards, 'Irish Reformation Parliament', p. 64.

age-old edicts against adopting Irish dress, language, and law.[27] And some touched on the recent ecclesiastical legislation passed in the English reform parliament.[28]

Some of the early '[p]roposed bills were to deal with the question of recognising the royal right of conquest as a basis for resuming all lands as an alternative to a less drastic plan of reformation.'[29] In practice, the proposed bills would put pressure on those tenants-in-chief with the adequate infrastructure, such as castles, garrisons, or other fortifications, as well as a *manraed* of sufficient strength, to actively reside on their Irish lands and defend their holdings against native Irish incursion. It also sought resumptions of rebel, absentee, and ecclesiastical land to the crown.[30]

In the event, Cromwell had to wait until after Skeffington's successful siege of Maynooth in March 1535, putting the rebels on the back foot, before making new plans for a parliament that would consider 'the drastic proposal of declaring the king's conquest by statute, inferring that by equity all spiritual and temporal lands should revert to him.'[31] Many officials warned the king not to then simply grant these away without due consideration;[32] the more land that was held directly of the crown, it was felt, the more its revenues might be augmented. But resumptions did not guarantee that land would remain in crown hands; it had to be both legally claimed *and* enforced. The question of how the crown was to approach enforcement in a region where English and Gaelic peoples and cultures had become so intertwined remained – as it had for centuries – an unresolved problem in the 1530s. So much is evident in a letter of 7 July 1535 from Sir William

[27] Quinn, 'Bills and Statutes of the Irish Parliaments', pp. 138-141.
[28] A commission was simultaneously made 'to the bishops of Meath and Kildare and others to suppress the priory of Augustinian canonesses of Graney,' which had been suspected of being a refuge to Kildare supporters, ended up in the hands of the marshal of the army in Ireland, and future deputy, Leonard Grey. In the event, the priory was not formally surrendered until 1537. Edwards, 'Irish Reformation Parliament', p. 64; *LP (1535)*, vol. 8, Cap. 962, n12; Bradshaw, *Dissolution of the Religious Orders*, pp. 66-7.
[29] Edwards, 'Irish Reformation Parliament', p. 61.
[30] Edwards gives significant commentaries on the acts passed in each session of the 1536-7 parliament. Edwards, 'Irish Reformation Parliament', p. 61. For acts relating to the resumptions, see: Connolly (ed.), *Statute Rolls of the Irish Parliament, Richard III-Henry VIII*, pp. 166ff, 188ff, 190ff, 216ff, 244ff, and 291ff.
[31] Edwards, 'Irish Reformation Parliament', p. 61; *LP (1535)*, vol. 8, Cap. 527, p. 200.
[32] Such as Bishop Staples, for which see below, and: *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 182, p. 486. But *cf*. Alen's warning to the king that it would, rather, be best 'to give your landes away, as ye wynne theme.' See further discussion of Alen's approach below. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 150, p. 376.

Fitzwilliam, one of the king's privy councillors and treasurer of the royal household,[33] to Cromwell, the former asserting that while the king had made 'a new conquest of Ireland,' Henry was nevertheless 'doubtful whether he had better take the lands by reason of his conquest or by Act of Parliament.'[34]

This was followed by the death of Skeffington at the end of the year, and growing factionalism on the Dublin council into 1536.[35] But there was significant opposition to some of the legislation intended for parliament, particularly concerns about royal retribution in the wake of the Kildare rebellion, in which not a few Palesmen and parliamentary attendees were complicit, as well as objections to the traditional subsidy, and reservations about the first monastic dissolutions.[36] Ultimately, the response of the government to the opposition was to organise a commission.

Poynings' Law was suspended during the first session of the Irish parliament in January of 1536.[37] The effect of the suspension, R.D. Edwards tells us, was that 'the government had more flexibility in dividing opposition interests, meeting individual claims by concessions involving additional clauses to acts.'[38] Nevertheless, members of parliament were able to leverage issues like the ratification of a bill to recognise new succession laws, owing to the unexpected execution of Anne

[33] Robison cautions not to confuse this William Fitzwilliam with his namesake, treasurer of Wolsey's household, who died in 1534. W. Robison, 'Fitzwilliam, William, earl of Southampton (*c*. 1490–1542), courtier and naval administrator.' *ODNB*, Accessed 11 Apr. 2019, http://www.oxforddnb.com.ezproxy.utas.edu.au/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-9663.

[34] *LP (1535)*, vol. 8, Cap. 1004, pp. 398-9.

[35] Edwards, 'Irish Reformation Parliament', pp. 63-4. One of the new Dublin officials, an agent of Cromwell and the servant of Vice-Treasurer William Brabazon, Thomas Agard, reported to Cromwell his misgivings about certain men on the council, notably Chancellor John Barnewall (Lord Trimleston), certain of the king's justices, and others, including a certain Thomas Paulet. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 90, p. 244. For his part, John Bowes, one of Cromwell's informants, intimated that Aylmer had enemies of the king 'in the King's wages,' and that both he and Alen had threatened him with imprisonment. *LP (1535)*, vol. 8, Cap. 958, p. 376.

[36] Edwards, 'Irish Reformation Parliament', pp. 66, 69-70.

[37] Acts passed in Poynings' parliament of 1495 required that legislation passed in England was to be equally observed in Ireland. Nevertheless, in legislative areas where the good opinion of the gentry, nobility, and clergy of the lordship were of particular importance, it was in the interests of the crown to seek equal certification in the Irish context. Ellis, 'Kildare Rebellion', p. 809. The involvement of the clergy in the Irish parliament began in the late fourteenth century, its representation appearing to expand through the following century, before dropping dramatically in the early 1500s. Richardson and Sayles, *The Irish Parliament in the Middle Ages*, pp. 79, 183-4.

[38] The suspension of Poynings' Law was intended to be temporary and was not renewed when parliament met again in 1541. Edwards, 'Irish Reformation Parliament', pp. 68, 72, and 79.

Boleyn and the king's marriage soon thereafter to Jane Seymour.[39] In other instances, they simply refused to pass bills before undertaking further negotiation.[40]

The crown had exhibited considerable restraint in the wake of the Kildare rebellion, sparing many of Kildare's Pale supporters from attainder, resumption, and possible execution. This led to the issuing a general pardon on 31 July 1537,[41] and helped facilitate the passage of important bills in the Irish parliament. It may also have influenced the surprisingly long negotiation for what was, after all, the expected, traditional subsidy required to fund the basic functions of the lordship's administration.[42]

The importance of ecclesiastical reform to the crown should not be underestimated. It should be noted that Ellis discusses the nature of the ecclesiastical legislation in the Irish 1536-7 parliament in his *Ireland in the Age of the Tudors*.[43] There is no question that among the crown's interests in the lordship was religious conformity, but this 'probably mirrored the government's experience in many parts of England.'[44] Indeed, '[f]rom the outset the government relied heavily in extending its religious policies to Ireland on the royal prerogative and the applicability of English legislation there.' The enactment of some legislation was expected, but it was by no means the focus of the parliament: Ellis continues, prior to the Kildare rebellion, 'beyond Cromwell's despatch of two chaplains, no special measures were contemplated.'[45] The statutes themselves, provided in published form in Philomena Connolly's *Statute Rolls of the Irish Parliament*, pp. 147-301, are diverse, beginning with Kildare's attainder, subsequently covering ecclesiastical matters,

[39] *The Statutes of the Realm* (London, 1817), vol. 3, 28 Henry VIII, Cap. 7, pp. 655-662. The Irish parliament's assent to that change, Edwards points out, was employed as a negotiating tool to draw concessions from the crown that would lead to immunity from prosecution for many of those Palesmen who had recently aided Kildare.
[40] These included a bill for customs duties, monastic dissolutions, and a 5% land tax. Edwards, 'Irish Reformation Parliament', p. 72.
[41] Morrin (ed.), *Calendar of the Patent and Close Rolls of Chancery in Ireland (1514-1575)*, 29 Henry VIII, m3, Cap. 102, p. 35.
[42] Edwards, 'Irish Reformation Parliament', p. 69
[43] Ellis, *Ireland in the Age of the Tudors*, pp. 205ff.
[44] Ellis, *Ireland in the Age of the Tudors*, p. 209.
[45] Ellis, *Ireland in the Age of the Tudors*, pp. 205.

absentee lands, economic provisions, matters of the succession, and issues relating to the adoption of Irish customs by the Englishry.[46]

After parliament ended, and with the lords and gentry of the Pale mollified for the time being, the crown began preparations for a commission to be sent to assess the state of the land and solicit further proposals for reform from officials familiar with the issues of the day. At first, it appears to have been intended to have been one of limited scope, but it nevertheless grew and its remit was much larger than might have been expected.[47]

The 1537 Commission

The genesis of the 1537 commission began with a letter of 25 February 1537 that carried Henry's response to the uncertain circumstances prevailing in the lordship. The idea of establishing a commission was, of course, not new. Commissions were frequent tools employed by the crown to gather feedback and enforce its policies. But the turbulence of recent years supplied some urgency – Kildare's failed rebellion, the attainders of he and his kinsmen, and the resumption of their lands; the resumption of absentee lands; and the rising prospect of monastic dissolutions – all were issues that had been brought up in letters to the king and his council in the years previous as matters to be dealt with. Henry duly alluded to that ongoing discourse in his February letter, expressing his desire to move forward with reform based on that correspondence.[48] To the deputy and council in Ireland, he indicated that he had

> determined spedily to sende thither a personage of reputacion…both to see the perfite extent of our revenues there…and consider with you, our charges growing upon the same, and aswell to receyve due perfite informacion touching all thinges concerning the state of our said lande, as in the same to declare our full minde and pleasure, and likewise in all

[46] Philomena Connolly (ed.), *Statute Rolls of the Irish Parliament, Richard III-Henry VIII* (Dublin, 2002), vol. 5, pp. 147-301.
[47] Edwards, 'Irish Reformation Parliament', p. 74; *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 165, p. 422; Hore and Graves (eds.), *The Social State of the Southern and Eastern Counties of Ireland in the Sixteenth Century*, p. 2.
[48] See above.

> suche matiers as have been writen by you unto Us, or as by the relacion of our said servaunt, Patryk Barnewell, We have perceyved.[49]

By 31 July 1537, when the patent was issued, that one-man embassy had expanded to include four men. The commission was to be headed by Anthony St Leger, George Paulet, Thomas Moyle, and William Berners. The commissioners arrived in Ireland in September 1537. Their orders were 'for the ordre and establishement to be taken and made touching the hole state of our lande of Ireland, and all and every our affaires within the same, bothe for the reduccion of the said lande to a due civilitie and obedyens, and the advauncement of the publique weal of the same.'[50] To that end, the commissioners had the guidance of a series of correspondences and treatises, written in recent years, from various members of the Dublin council, including John Alen and Robert Cowley, as well as the 'books' addressed specifically to St Leger's commission.[51]

'Books' submitted to the 1537-8 Commission

There are in the published *State Papers* five so-called 'books' that were submitted to St Leger and his fellow commissioners after their appointment in mid-1537. Bradshaw offered some treatment of them in his *Constitutional Revolution*, but this comes mainly in the context of attempting to determine Cromwell's disposition towards the Irish and Irish policy and how a general reformation might be brought about given that a 'conquest had been ruled out as an immediate objective.'[52] The books submitted, he observes, 'are strangely reticent in this regard,' and reflect a similar reserve demonstrated in the 1534 *Ordinances* and Henry's own instructions to the commissioners. Closer examination of the books is consistent in some respects with

[49] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 165, p. 422. Barnewall was a Pale gentleman and nephew of John Barnewall, Lord Trimleston. He was educated at Grey's Inn in London, and was appointed King's Serjeant in 1534, being relieved in 1536. During the parliament of the period, as a member of the house, he opposed plans for monastic dissolution (although profiting from them in grants of 1541-2, during the second wave of dissolutions.) He was appointed Master of the Rolls in 1550. Notably, he was 'suggested on account of his knowledge of the Irish language as suitable to hear causes in Munster [in] 1551.' Ball, *The Judges in Ireland, 1221-1921*, pp. 204-5.
[50] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 171, n1, p. 452.
[51] The commission's patent indicates the appointees and then describes how it is 'for an establishment to be undertaken touching the State of Ireland, for the reductions of same to a state of obedience and the advancement of the public weal.' Morrin (ed.), *Calendar of the Patent and Close Rolls of Chancery in Ireland (1514-1575)*, m3, n103, p. 35.
[52] Bradshaw, *Constitutional Revolution*, pp. 128-33.

Bradshaw's analysis; notably in terms of the crown's steadfast rejection of a general reformation to be achieved by conquest.

More recently, Heffernan has framed that rejection in the context of the crown's fiscal misgivings rather than by reason of any humanist impulse on the part of the crown or a native Anglo-Irish 'reforming milieu'. But Heffernan's main thrust in his brief consideration of the books as a whole was to contrast the crown's more conciliatory approach to policy with the 'hawkish' agenda of the Dublin councillors he argues were advocating for the reduction of Leinster, an agenda that succeeded in the long term.[53] He notes that Bishop Staples' book composed for the 1537 commission, as well as another contemporary anonymous treatise, reflect 'an admixture here of conciliatory and coercive measures,' although they were 'far outnumbered by the numerous schemes for the reduction of Leinster.'[54]

This is a key point to bear in mind, as the explanation for why a policy of coercion was resisted for so long must be sought for somewhere other than amongst Bradshaw's so-called Anglo-Irish 'reforming milieu'. Indeed, the answer lay in the ideological consistency of the crown since the inception of its quest for information relating to Ireland in 1515, its consideration of that information, and its continuing experimentation with methods of addressing the problem of magnate rule in a manner consistent with humanist notions of the commonweal.

There are a multitude of nuances in the 1537 books that illustrate the diversity of opinions members of the Dublin administration had towards how policy should approach the issue of the native Irish, notions of title and tenure, and how their ideas might most effectively be expressed to the king, Cromwell, and their commissioners. As in the case of numerous late-century treatises and more elaborate compositions, those of the early-century, too, need to be more closely described and analysed to assist in contributing to a clearer picture of English and Anglo-Irish policy in the sixteenth-century lordship.

[53] Heffernan, *Debating Tudor Policy*, pp. 43-4.
[54] Heffernan, *Debating Tudor Policy*, pp. 47-8; Heffernan (ed.), *"Reform" Treatises on Tudor Ireland*, pp. 3-6.

John Alen's 'book' in particular illustrates the fluid and nuanced ideas the English administrators under Wolsey and Cromwell could have in relation to Ireland. The Bishop of Meath, Edward Staples' 'book', is singularly important for its recommendation relating to kingship and the lordship. And Staples, along with Robert Cowley, also expressed exclusionary attitudes towards the Irish that would prove contrary to those of Henry and St Leger. However, some of their proposals, while in the main favouring more practical, particular forms of reformation, nevertheless supported elements of general reformation that were in some respects ideologically conformable to the crown's view of the unitary nature of its title over the whole of the island, and, indeed – in the context of the king's newly asserted spiritual and temporal supremacy – over all its dominions. In his 'book', Thomas Luttrell retrained focus on well-worn advocacy for the abolishment of coyne and livery, which he viewed as the chief problem facing the lordship. Finally, Lord Deputy Leonard Grey's brief 'book' offers a counter to the sympathies of other authors with a monolithic condemnation of the marchers.

There were also presentments of several counties in the south-eastern regions of the lordship, consisting of complaints and concerns solicited by the crown and heard by St Leger's commission as a part of its mandate. Within those presentments is a further 'book' dating to 1537 presented by David Sutton, an Anglo-Irish gentleman from the regions around Wexford and Kildare. Sutton's testimony differs from the other 'books' in that it resembles more the literature of complaint from the previous century, offering little by way of remedy or progressive suggestions for reform. While it provides some insight into what the concerns of local officials tended to look like, as the editor of the *State Papers* notes, '[m]ost of them are very prolix, and yet none exhibits an entire picture of the grievances, under which the country laboured, and which the Commissioners were sent to redress.'[55]

[55] While most of the complaints presented accord with those observed in the 'books', it is worth noting the greater emphasis placed on the abuses of the clergy than is seen in those complaints lodged by the members of the Dublin council. The editor of the *State Papers* also offers a brief synopsis of the presentments. These represented all counties but Tipperary, and included the towns of Kilkenny, Irish-town, Clonmel, Dungarvan, and Wexford. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 185, n2, pp. 510-12.

John Alen's Book: 'To…the Kinges Commyssioners in Ireland'[56]

John Alen was one of the most of the prolific reform writers of the 1530s. Notably, Alen pointed out to Cromwell that nothing could be achieved in Ireland within the counties of Kildare and Carlow, unless they were taken 'by conqueste.'[57] This was a view shared by most if not, as Heffernan points out, all on the Dublin council. Without subduing certain regions by force, the crown would not be able to retain, let alone gain, further territory. His focus on a specific area of Ireland as a target for the king to train his eyes on was not without reason. In a letter dated 6 October 1536, he expounded his reasons for advocating this sort of 'particular' reformation. The problem, he opined, was that a 'deasire in your noble progenitors to reforme all Irlande at oon instance hath bene thoccasion that it is soo ferre out of order and frame as it is.' Alen was singular in his stark illustration of the choice facing the king. For him, a 'general' reformation had been, and would always be, impracticable: 'as I have lerned, these 250 yeres togither [Ireland]…hath decaied…expecting tyme to reforme all,' but, he observed, 'tyme never served.' The health of the revenues notwithstanding, there had critically never even been the *will* to assert true, plenary sovereignty. The situation had not changed. Indeed, now was the time, he advised, for the crown to cut its losses. The king, he suggested, should pursue retrenchment and 'divise to make suche staye, that what chaunce so ever shulde happe, ye mought kepe that ye have alredye.'[58]

It was a dire intimation that, even after Kildare had been captured, an obstacle – perhaps more formidable than any magnate – yet existed. For Alen and most of his colleagues, that obstacle was gradually being re-defined and expressed. It took the form of an old annoyance: the adoption of Irish customs. At times over the past century and a half, native Irish culture had been periodically singled out as a threat to the Anglo-Irish and their definition of English identity, one that they recognised as geographically displaced but was nevertheless unsullied and enduring. In the 1530s, reform writers returned once more to vocalising those fears.

[56] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, pp. 486-501.
[57] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 84, p. 230.
[58] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 150, p. 374.

But the fear of 'gaelicisation' had not yet put itself in the service of a concerted policy of colonisation. Alen's ideas about the native population and his recommendations are illustrative of a significant degree of uncertainty about how any particular reformation ought to proceed. He was not alone in his uncertainty: even Cromwell had recently been ambivalent about whether the lordship was to undergo a 'conquest or a reformation'.[59] There is a similar trepidation evident in the interstices of Alen's recommendations. In the same letter, he begins by suggesting that 'Your Grace shulde banishe all the wilde Irishe out of their landis,' before qualifying, with equal, although confusing, vehemence, that 'I do not doubte, but the inhabitauntes of their landes mought be made good subjectes, the heddis [or chiefs] being subdued.' Besides, he continues, were all Irish inhabitants banished, 'I thinke it were not a litle difficultie to inhabite the lande agayne.'[60]

Despite his uncertainty, as the final word on the matter he offered that '[p]eradventure it mought be thought, that my intent were than to have Your Majestie to subdue and reforme all thIrishrie…I thinke it mought be doon with moche les difficultie, then thexpulsion of theme.'[61] Alen goes on to outline what was gradually becoming the party-line of 'particular' reformers: advocacy for the immediate reduction of Leinster and the midlands, encompassing the O'Byrnes, O'Tooles, and McMurrough-Kavanaghs, south of Dublin, as well as O'Connor to the west.[62] Alen's curious prevarication contrasts with other seemingly less prolific but more single-minded councillors like the vice-treasurer, William Brabazon, who backed his pithy but bellicose advice with unsolicited military action, earning the rebuke of the king for the same.[63]

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[59] *LP (1534)*, vol. 7, Cap. 1211, p. 470. But *cf*. Maginn's and Ellis' *Tudor Discovery*, pp. 165-6, where they suggest that Cromwell was simply making a 'false distinction', and that, rather, 'the reformation of Ireland…almost invariably meant the conquest of Ireland.' The context of their observation, however, is significant, for Kildare and his affinities had just initiated their revolt, and the unsurprising response of the crown was to attempt to secure the Irish lordship through the use of force, sending some 2,500 soldiers to Dublin with Skeffington. They acknowledge that Cromwell's conception of reform fell somewhere short of a 'general conquest', but I believe they impute a definition to Cromwell and the crown more broadly that was very much bound to the exceptional nature of the Kildare rebellion.

[60] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 150, pp. 373-4.

[61] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 150, p. 374.

[62] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 150, pp. 373-4.

[63] In a letter of 25 February 1537, Henry indicated that he had previously commanded Brabazon not to engage in warfare with 'our rebels there'; in this letter, he again chastised the vice-treasurer for not solely applying his energies to 'your office in the surveying and letting of our landes, the receyving of the revenues growing of the

For Alen, any conquest, however regionally focussed, would require military as well as judicial and administrative support. Militarily, the 'particular' solution in Leinster necessitated the re-acquisition and re-fortification of key border-forts and manors and establishing permanent garrisons there.[64] Alen also recommended the appointment of regional governors in each of the Pale shires;[65] and drew attention to the lessons of governance to be had by observing how things were being done in the Palatinate of Chester and north Wales.[66]

Singular among his recommendations is one that has to do with how the king disposed of his lands in the lordship. Where most councillors urged resumption and then restraint in making grants (in leasehold) to officials and others, Alen advised that the king should 'give your landes away, as ye wynne theme, upon reservacion of competent rentes, especially upon the marches,' otherwise '[y]our Grace shall have little proficte by theme…for they shall never be preserved and defended by souldeours or fermors at will, but raither to the contrary, as they shalbe by those, whiche shall have a freholde in them, to theme and their heires males.' This contrasted significantly with the views of Robert Cowley, who voiced his support for soldier-settlers: this quasi-military species of tenant was 'to have a geldyng for hym self alwey in a redinesse, with his weapon; so that the fermors and tenauntes, by reason therof, ar a great nombre in a redynesse

same, and of all other our yssues and profyttes there,' once more seeing fit to rebuke him 'to forbere going in person to our warres,' unless it 'shalbe mete and necessary.' The intimation appears to be that Brabazon's previous military forays in southern Leinster, which he had expressed his enthusiasm for in a letter of September 1535, and that were reported in Walter Cowley's letter to his father in April 1536, were neither sanctioned nor desired by the crown. It seems sensible to regard this rebuke as evidence that the king was not particularly amenable to schemes for reform that embraced coercion such as those advocated amongst Heffernan's so-called 'hawkish' clique on the Dublin council. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 105, p. 279; *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 123, p. 313; *CCM (1515-74)*, vol. 1, Cap. 66, p. 83; *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 165, p. 424.

[64] These were likely similar to the key ones he directed the king to secure during the rebellion, at: Maynooth, Portlester, Rathangan, Carlow, Lea, and Athy. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 84, p. 229.

[65] Interestingly, Alen describes these as 'chamberlains'. It is not clear if he saw their functions as intimately attached to the king, as one of his household officials, or if he intended the term's meaning in a more general sense as of a steward. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 150, p. 376. How he regarded the proposed office might have bearing on his views about the Dublin administration, whether the latter could be trusted to enact and enforce crown policy at the local level, or if it was better to simply bypass Dublin and set up offices in the localities that reported directly to the king. If the later testimony of the deputy, Leonard Grey, is to be relied upon, there appeared to be considerable friction between Alen and other members of the council, including William Brabazon and his servant, Thomas Agard. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 157, pp. 397-8.

[66] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 150, p. 376.

without charges.'[67] But Cowley, unlike Alen, urged restraint in the manner of how crown lands were disposed of, favouring instead the usual custom of offering leases. In the event, Henry appears to have followed Cowley's more conservative advice, including in St Leger's and the other commissioners' patents a provision 'for letting for the terms of 21 years, such of the King's honours, manors, lordships, lands, and tenements as lie waste upon the marches.'[68]

The 21 year limit took some time to become the norm and was likely only more firmly established after Henry's death.[69] But by the time the idea of a plantation in Leix and Offaly was being mooted after 1553, early in the reign of Mary I, greater inducements were required, and the deputy – once more St Leger – 'was instructed to make grants by "piecemeal" of the said countries of Leix and Offaly, *in fee simple*,' and under certain conditions.[70] In the 1530s, the move towards 21 year leases nevertheless represented a significant step towards the sort of administrative consistency and tenurial security that had long been lacking.

Alen's 'book', composed a year after his correspondence, takes a significantly more nuanced approach to the lordship's administration. In his book or treatise, after reminding the commissioners of the secret nature of the communication, he describes Ireland as a land of 'severall monarcheis', each subject to the confusion caused by political fragmentation and unequal application of the common law.[71] But the 'greate mysordre' of the land, he specifies, 'hathe byn in the heddes;' in, that is, the example of the lordship's governors, who have introduced coyne and livery, subverted laws, stirred wars, oppressed the king's subjects, and provoked rebellion. Leonard Grey, justice then deputy since January 1536, is singled out as one

[67] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 129, p. 329.
[68] Morrin (ed.), *Calendar of the Patent and Close Rolls of Chancery in Ireland (1514-1575)*, 29 Henry VIII, m3, Cap. 104, p. 35.
[69] By the beginning of Edward VI's reign, 21 year leases had become 'consistent policy', although the terms of grants appear to have loosened by the time James Croft was made deputy in May 1551, perhaps as a part of a campaign of inducements (alongside a much-intensified soldiery) that culminated in the eventual granting of land by freehold. D.G. White, 'The Reign of Edward VI in Ireland: Some Political, Social, and Economic Aspects', *Irish Historical Studies*, 14, 55 (1965), pp. 197-211, p. 209; Steven G. Ellis, 'Croft, Sir James (*c*. 1518–1590), lord deputy of Ireland and conspirator', *ODNB*, Accessed 6 May 2017, http://www.oxforddnb.com/view/article/6719. For the administration's vacillating commitment to tenures through the early 1550s, see: Robert Dunlop, 'The Plantation of Leix and Offaly', *The English Historical Review*, 6, 21 (1891), pp. 61-96, pp. 64-66.
[70] Dunlop, 'The Plantation of Leix and Offaly', p. 66.
[71] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, pp. 486-7.

with ‘more abuseis in him, then in the moste of the resydue of the Kynges offycers.’ Alen goes on to note the futility of criticising the deputy, ‘for what is he, that can escape the Deputyes lasshe?’ Authority, he concludes, needs to be diffused amongst members of the council.[72]

The administration of the lordship ought to devolve upon local officials such as special wardens of the marches who, in addition to ministering to matters of law, might also liaise and negotiate with the native Irish and other rebel groups on the borders. If such negotiating proved fruitless, the deputy might then join his forces with the warden and other local gentlemen, using force to draw forth resolution. These sorts of locally organised campaigns, to be undertaken during harvest-time to accommodate the soldier-husbandman, and which would be small-scale and therefore cheap, were also more effective and ‘hathe more dauntid and impoveryssheid Iryshemen, in tymes past, then manye hosteinges.’[73] Larger hostings, then, were to be replaced by these smaller raids. This, together with Alen’s suggestion in his earlier letters to grant lands in freehold, signify a particular emphasis on the importance of providing the inhabitants of the localities with both the means as well as the incentive to defend their – and the crown’s – interests.

These sorts of recommendations for enhancing local decision-making are threaded throughout Alen’s treatise.[74] At the highest level, in Dublin, councillors had been guilty of pandering to the deputy, failing to heed the complaints of extortion by lords and gentlemen during his hostings, and so ultimately doing little for the real protection of the bulk of the king’s subjects. Hostings were therefore to be assented to by the council as well as by two representatives from the locality in the marches where military intervention was seen to be required. Such oversight was necessary, Alen proclaimed, owing to the multitude of fees exacted from tenants. For in addition

[72] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, pp. 488-9.
[73] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, p. 489.
[74] But *cf*. Power, who observes in Alen’s writing an apparent ‘*volte face*’ from an earlier stance, endorsed by the councillors Brabazon and Aylmer, which had vilified the Pale nobility. In his report to the commission, Power continues, Alen initiated an ‘unequivocal critique of Deputy Grey.’ Power places emphasis on an intimation of support for the Pale nobility which he considers to have been continued by St Leger. Without going so far, my own emphasis is here is on Alen’s apparent desire – certainly not exclusive of Power’s notion positing Alen’s support for an empowered Pale nobility – that power be diffused away from the deputy and into the localities. Power, *European Frontier Elite*, pp. 101-2.

to the usual rent and subsidy of 13s 4d, tenants could expect to be subject to further charge in the form of carriage, coyne and livery, sergeant's fees, as well as other costs in money and lost labour involved in travelling to attend inquests. These impositions, he laments, could sometimes reach as high as 100s. Embattled by both English impositions and Irish raids, march tenants hitherto developed little incentive to defend their holdings.[75] Intended to buttress local powers for a limited time at least, Alen recommended that 'untill the Kavanaghs, the Byrnnes, and the Thooles been banysheid and reformeid,' there ought be appointed a Justice, Baron of the Exchequer, and others, specifically to minister the law in the city of Waterford. These would be paid for, amongst other sources, from revenues out of Wexford, including from the suppression of its priories.[76]

Once peace had been made with the offending native Irish or English rebels, the Dublin council was also to be present when the transgressors made their submission. Alen warns that lords like Piers Butler and his sons ought to be prohibited from making any unilateral peace with Irish families like the O'Carroll, O'More, O'Connor, and McMurrough. Peace-making was to be the sole prerogative of the crown.[77] Wardens of the marches were to retain a copy of any indenture made, with the original to be enrolled 'on the backe of the open rolle in the Chauncery, as was accustumyd of olde tyme.'

Like earlier reform writers, Alen, too, found grounds for criticising the lordship's inadequate record-keeping and made sensible suggestions for its remedy, including exhortations for civil servants like the clerks of the crown, Chancery, and Hanaper, as well as the Master of the Rolls, to enrol and certify official matters that came before the king's representatives in Dublin without taking excessive or unwarranted fees.[78] His recommendations illustrate how effective delegation

[75] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, p. 492.
[76] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, p. 498.
[77] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, p. 494.
[78] It is notable that these fees, taken at the interface between the public and the Dublin administration, in operational as well as legal matters, remained a going concern in 1537, just as they were in 1515, when the 'saide subgettes ben so grevysouly vexyd dayly with the said courtes, that they be gladde to see ther freholdes for ever, rather then to suffre alwaye the vexation of the said courtes.' *'State of Ireland', SP*, vol. vol. 2, 3, Cap. 1, p. 9. Alen uses similar wording to describe the describe the feelings of 'the poore inhabytauntes of the country,' who were often 'callid to the castell of Dublyn…to passe inquestes; whiche, I assure you, is a mervelous vexation and

of power to local representatives might, at the same time, be employed and regarded as a viable means of bolstering central authority. Pivotal to this, however, was the character of those men chosen to execute those offices, whether in Dublin or more far-flung localities.

Alen's observations about the integrity of the Dublin council were not flattering. Beginning with a self-effacing avowal of his own deficiencies in his office as Master of the Rolls, he reserves oblique condemnation for his colleagues, who may have employed bribery and extortion in the execution of their offices. Alen added to the list of their vices the inability to 'agre themselfes to geder,' rather they are inclined 'one to dysdayne an other.' Particularly harmful he continues, had been the recent animosity between Deputy Grey and Piers Butler and his sons. Alen went so far as to recommend that both be removed from the lordship, but also that their disagreements be examined to find the 'causeis of ther dyspleasors, so as it mought playnly appere, where defaulte is.' For Alen, there was little point in ministering a wound if its pathology was not more completely known.[79]

Some clarification, Alen felt, was necessary of certain official roles within the Dublin government. The Chancellor and others on the council ought to adopt a firmer schedule for the hearing of complaints from the 'poore peoplle', sitting 'in the Counsayll Chambre every terme, twice in the weeke at the least.' Possibly representing some acknowledgement of the significant role the poorer commons occupied in the overall weal of the lordship, Alen expressed his observation that their omission from consideration of policy had 'in my opinion…don muche hurtte.'[80]

The office of Clerk of the Council presented another example of operational deficiencies in the administration. The clerk, he informs St Leger and the other commissioners, had failed to attend council chambers and 'entre such ordres and other thinges, as shalbe don before the same Lorde Chauncelor and Counsaill,' attending, rather, upon the deputy. The clerks' duties, Alen noted,

impoverishement to them, insomuche as men dayly sell ther freholdes to avoide the same.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, p. 501.

[79] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, pp. 496-7.

[80] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, pp. 497, 501.

were to be restricted to public matters before the council, intimating that he had been meddling in secret matters and operating well beyond the scope of his mandate.[81]

Alen also points to the commanders of garrisons, the office of Chancellor, as well as court officials like the King's Sergeant, Solicitor, and Attorney, as positions ripe for improvement. Effective reform in these offices might also come from prohibitions on the sources of their respective incomes, whereby they 'shulde take noo fee but the Kinges onely.'[82]

In contrast to his earlier correspondence, Alen's recognition of the importance of native Irish participation in the lordship, in the interests of the crown, comes through at several points in the treatise.[83] In the context of enhancing crown authority in the marches, he suggests that a marshal of the hosting be chosen, and that this man be able to speak both English and Irish. Without this, 'ye shall have but a fewe Irishemen or marchours to come to your oste, or to your ayde.'[84] Indeed, by late 1537, when the commissioners arrived in Ireland, Alen appears to have moderated his earlier ambivalent views of the native Irish. Wardens of the marches were to negotiate with them. Administrators were warned: 'whosoever regardeyth not the hartis and service of Irishemen, shalle doo the King but slender service…[T]he Kinges domynyon, this many yeres, hathe ben defended muche by the strengyth of Iryshemen.'[85] The native Irish, he goes on, need to see that 'we desyryd more the weale and quyete, than ther catall or goodes; for by peace they shalle growe welthye, and then they cannot endure warre. I wolde have them, if I mought, be put oute of practyse of warre.' By contrast, he says, Grey's approach as deputy had alienated Anglo-Irish as well as the native Irish.[86]

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[81] Robert Cowley and his son, Walter, appear to have both been Clerks of the Council at this time, having been appointed sometime between 1534-6. Alen's testimony here suggests that perhaps some significant changes had lately been trialled, not least of which may have been the division of the office into two, possibly engendering some confusion surround the duties of clerk and secretary. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, pp. 497-8; Morrin (ed.), *Calendar of the Patent and Close Rolls of Chancery in Ireland (1514-1575)*, 25-27 Henry VIII, m11, p. 14.

[82] Alen recognises that this was a more rigorous policy than was in use in England proper, but necessary in order to stamp out abuses. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, pp. 498-500.

[83] Bradshaw, *Constitutional Revolution*, p. 176.

[84] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, p. 495.

[85] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, p. 490.

[86] '[F]or no dought,' Alen reports, 'he hathe lost, in effect, the hartys of Inglyshe and Iryshe, frynde and foe.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, p. 491.

Both English and Irish were critical to Alen's evolving conception of reform. This recognition of the need for cooperation between the two peoples suggests, in the context of Alen's overall contribution to reform dialogue, something more than a simple condescension to Henry's manifest ideas of humanism and commonweal. Such ideas appear to have accreted over the previous two years; in this particular treatise, they shed the need for extirpation and adopted a more conciliatory tone, retaining an advocacy for a small-scale conquest or 'particular reformation' of Leinster and the midlands.[87] Just as there would be English rebels who would never submit to the crown, so too might there be expected a significant number of native Irish who would continue to make raids into the Pale.

While some Irish had expressed desires to conform themselves to English custom, so too had many English adopted Irish ways. Native customs that were acceptable according to brehon law – *éraics*, *sautes*, 'canes', and *biengs* – had crept into usage amongst the English. Marchers had also formulated their own laws, apart from the common law, and penalties had been established punishing tenants for seeking justice from the king's courts. Marchers had also been guilty of levying coyne and livery in their Pale lands when resident there for official purposes such as attending parliament. Legal uniformity, then, was critical if reform were to proceed.[88]

The changing content of Alen's proposals remind us of the fluid nature of reform discourse. They offer a cautionary note that we should not try to impose a simple, binary framework upon them. Opinions could change in a short space of time, as they appear to have done with Alen. The surviving writings of others, like William Brabazon, who were more obviously 'radical' or 'colonialist' but for whom little epistolary evidence or otherwise remains, may represent artefacts of a fragmented dialogue, one component of a splintered discourse for which sources are notoriously scant one moment, then prolific the next.

[87] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, p. 498.
[88] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, p. 496.

Bishop Staples' Book: 'A certen Information for…[the] honourable Commyssioners'[89]

Like so many treatises, there remains some question as to the authorship of 'Bishop Staples' Book'. The editor of the *State Papers* noted that it was in the handwriting of John Alen, but that councilman, as we have seen, put his name to his own compendium of instructions for the commissioners.[90] He was therefore unlikely to have composed a second one which, in this case, differed markedly in content and tone from his original.

It was Bradshaw who suggested that Edward Staples, Bishop of Meath, was, in fact, the author of the treatise. His assertion is supported by a subsequent letter from Staples to St Leger and one of the other commissioners that makes direct reference to his 'book'.[91] On the basis of this and other internal evidence, Staples certainly appears to be the author. Bradshaw notes that the bishop possessed a 'moderate and liberal attitude in politics as well as in religion.' In the ecclesiastical arena, this would certainly have to have been the case if Staples was the author, as the treatise explicitly condones the suppression of the religious houses in Ireland. The profits of monastic dissolution, the author explained, should be used to fund new offices in the administration. For example, a new overseer of the courts' justices – a 'grave person of highe lernyng and substancyall understandeing in the lawe' – ought to be appointed, and because 'suche a person shulde be honorably interteyned…I thinke it rather expedyent to forbere a greate nomber of our monnkes and chalandes, namely as thay nowe use themselfes, then so necessary a thing for the comyn wealthe shulde be lakked and sett asyde.'[92] In spite of his diocesan office, Staples appears to have been a supporter of the king's supremacy at a time when many ecclesiastics continued to resist the changes imposed by the English crown.[93]

Like contemporary treatises, Staples included several measures to enhance local authority. Instead of wardens, suggested by Alen, Staples offered that two captains be chosen in every

[89] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 182, pp. 480-6.
[90] The editor of the *State Papers* notes that '[t]his paper is headed in the margin, "Presenteid by the Master of the Rolles," and is in his handwriting.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, n1, p. 486.
[91] Bradshaw, *Constitutional Revolution*, p. 194, and n4 on the same page. The similar point made had to do with a proposition that Henry be made King of Ireland; for which, see below. The letter was composed a year later on 17 June 1538. *State Papers, Ireland, Henry VIII (1538-46)*, (London, 1834), vol. 3, 3, Cap. 233, pp. 29-30.
[92] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 182, p. 484.
[93] Ellis, 'Kildare Rebellion', pp. 818-822.

barony to facilitate its defence; and two constables in each parish, to muster the local soldiery every month, ensuring that they are armed. Further, two commissioners, chosen by the Dublin council, were to be appointed for the purpose of mustering the baronies each quarter. Bows were to be brought to the lordship and sold to the commons, and buttes erected in each parish for the cultivation of their skills at shooting. Still more commissioners were to be set to ensuring that the towns were well kept and their walls and defences up to par.[94]

Critically, Staples points out a further criticism that had begun increasingly to be remarked upon by reform writers. He describes the deleterious nature of current tenancies, amounting only to 'the space of three yeres.' This had caused tenants 'to forbere ether to buylde, or make any sure defence aboute the same.' The solution was to grant 'the said landes in ferme, by indenture, for terme of 21 yeres, with promys that in the ende of termes, doyng as thei wylle do, shalle have the same of newe for so muche lenger.' Moreover, a direct tenurial relationship with the crown ought, Staples reasoned, have some manifest reward. To the end that tenants were to be truly protected, yet recognising that coyne and livery was in some respects a necessary consequence of marcher life, commissioners were to be appointed to oversee its application to 'moderate suche expenceis, straytlye punysheing suche as dothe use excesse.'[95] Coyne and livery was necessary, it was conceded, but it was an imposition that needed greatly to be reined in.

Staples expressed support for a general pardon of those who had participated in the recent revolt. The matter had been agreed upon two years previously by the Dublin council, who were corresponding with London regarding the planned parliament. The council's statement on the matter implicitly declared that while some would necessarily be attainted and executed, others were to be 'ordered aboute ther fines, and compositions [made] for ther pardons.'[96] For his part, two years later, and after some recalcitrance by members of parliament on the issue, Staples appears to have agreed. He proposed that those whose families had been most guilty should pay 'treason money' 'unto the 3de generation', to serve as a reminder of both their crime and the punishment it incurred. He also suggested that fines geared to income should be imposed on

[94] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 182, p. 483.
[95] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 182, pp. 484-5.
[96] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 91, p. 246.

those who were less culpable. Indeed, many such men had offended 'halfe agaynst ther wylles,' fearing the might of Kildare. The fines collected therefrom would amount to some 1,000 marks, offsetting some of the crown's costs.[97]

Perhaps unsurprisingly, Kildare's revolt in 1534, and the support he received from many Palesmen at the time, still rankled in England. But whatever punitive measures they might have sought, they appear to have been tempered by the crown's need for members of the Irish parliament to recognise Henry's new marriage to Jane Seymour. The so-called 'Queen Jane' act, was 'the first of a group which included the act of pardon, which in its widest sense gave immunity from prosecution for any offence on payment of a fine.'[98] Staples, like many other councilmen, appears to have been of a like mind in seeking to assuage the crown's anger towards those who had taken Kildare's part a few years earlier.

Attitudes towards the Irish in the early sixteenth century varied widely. While Bradshaw describes him as a 'moderate',[99] Bishop Staples nevertheless may have borrowed liberally from earlier treatises that sought to delineate between the two cultures. His 'book' to the commissioners recalled the prohibitions set against Irish cultural practices amongst the Englishry that had been promulgated as early as the Statutes of Kilkenny, recapitulating some of them for St Leger and his colleagues.[100] This in itself was not uncommon; the Statutes were often brought up in more recent treatises and correspondence, to say nothing of their frequent appearance in the initial acts of several parliaments around the turn of the century.[101] But the native Irish, in the Bishop's eyes, were also guilty of insinuating themselves upon the English, taking their place as tillers of the land, servants of households, and even soldiers. No Irish, then, but those who could show that they, their fathers, and their grandfathers, were born in the Pale, were to live

[97] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 182, p. 485.
[98] Henry and Jane were married on 30 May 1536. The new Succession Act was passed in July 1536. Barrett L. Beer, 'Jane [née Jane Seymour] (1508/9–1537), queen of England, third consort of Henry VIII', *ODNB*, Accessed 19 May 2018, http://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-14647; Edwards, 'Irish Reformation Parliament', pp. 72-3.
[99] Bradshaw, *Constitutional Revolution*, pp. 193-4.
[100] These included proscriptions relating to: clothing and grooming, marriage and fosterage, language, as well as restrictions on places in the lordship the native Irish could inhabit or own. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 182, pp. 482-3.
[101] See Chapter 1.

amongst the English of the lordship. Perhaps more telling was Staples' denouncement of them as 'our naturall enymyes'.[102] In the context of the late 1530s, on the eve of the administration's brief dalliance with a policy of conciliation, the phrase could easily be taken as hollow rhetoric. But if we look forward just a little further, to the increasingly bellicose measures taken after a mid-century policy shift that – perhaps tellingly – coincided with Henry's death, the sentiment became more and more commonplace, becoming firmly entrenched by the late sixteenth century in the works of scholar-officials like Thomas Smith, Edmund Spenser, and John Davies.[103]

Staples' somewhat rigorous approach to the Irishry is not manifestly consistent with the cautiously inclusive tone of previous treatises like the 'State of Ireland'. These might condemn some native Irish groups and support measures to reduce the English adoption of Irish customs, but they could also embrace other native Irish families. They regarded some measure of conciliation a necessary pre-requisite to tapping into the full potential of a unitary commonweal, one that encompassed temporal and spiritual lords as much as it did gentlemen and husbandmen, and comprised native Irishmen as resolutely as English. Yet while Staples appears to have excluded the Irish from his view of a reformed Ireland, he nevertheless put forward one proposal that was crucial to the accomplishing of a general reformation.

In his treatise, Staples makes the first proposal advocating the conversion of the lordship into a kingdom to be headed by Henry. The recommendation was significant: just a few years later, in 1541, then deputy (and former head commissioner) Anthony St Leger, would himself try to convince Henry of the value of claiming royal title over all of Ireland.[104] It was a potent recommendation that more clearly revealed and buttressed ongoing attempts by the crown and reformers to come to terms with the problem of English title in Ireland. But what Staples', and

[102] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 182, pp. 481-2.
[103] R. Dudley Edwards and D.B. Quinn describe some of the writers and administrators who in their works 'showed that as early as 1552 classical Roman precedent was being used as a justification of such action' – this being 'the development of the policy of settling new English planters,' most manifestly initiated with the advent of the Leix-Offaly plantation policy in 1547. R. Dudley Edwards and D.B. Quinn, 'Sixteenth Century Ireland, 1485-1603', *Irish Historical Studies*, 16, 61 (1968), pp. 15-32, p. 25.
[104] During the 1537 commission, St Leger found a like-minded administrator in Thomas Cusack who also went on to advocate 'the idea of a general reformation based on a conciliatory formula.' Bradshaw, *Constitutional Revolution*, p. 194.

later Robert Cowley, apparently failed to understand, and what Henry and then St Leger and Cusack tried to operationalise in the 1540s, was that plenary English claims to the whole of Ireland could only effectively be asserted by way of a policy that also ensured a place for the native Irish chiefs in the final settlement.

Many of the suggestions made by Alen and Staples reflect the changing and sometimes contradictory nature of politics in the Pale. Alen's stance towards the native Irish appears to have softened as the 1530s progressed. By 1537, he recognised that their cooperation was integral to any future settlement. Staples, however, adhered firmly to the necessity of their exclusion, in the long run obviating any plenary English claim to Ireland and which in the end could only lead to further hostilities. In spite of this, the bishop was the first to propose the conversion of the lordship into a kingdom under the English monarch. His proposal offered a crucial tool to St Leger and the king that was conceptually compatible with a programme of general reformation.

Robert Cowley's Book: 'To My Lord and Maister, my Lorde Prive Seale'[105]

At the same time that Staples was proposing to make Henry King of Ireland, Robert Cowley continued to present his own ideas to advance what he described explicitly as a 'general reformation', the approach to reform in the lordship shared by his son, Walter, and several others.[106] The idea, based on the premise of English plenary title over the whole of Ireland, had resilience owing to the historicity of the twelfth-century English invasion, and pretensions to title over the whole island owing to the submission of several of its chiefs, first to Henry II, and later to Richard II. But the idea of a general reformation gained particular relevance in the early Tudor context of the lordship, for it held out the opportunity of offering public justification for a re-conquest on the basis of ancient plenary title. For Robert Cowley, that alone was enough; Henry's desire for conciliation with the native Irish did not factor into his scheme of reform.

[105] In one of the passages in this treatise, Cowley says 'upon the arriving of the Kingis Comissioners,' suggesting that it was likely composed before mid-September of 1537. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 171, pp. 445-452, 447.

[106] Walter observed a year previously how propitious was the time – in the wake of the Kildare rebellion – 'for the thoro owt generall reformacion, which was never so nigh to take full effect, yf God contynue the King in that purpos.' At the same time, he evidently regarded conciliar discord an obstacle to that end, hoping they did not 'worke in inward grudges, studying to hurt or prejudice other.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 131, p 332.

Consequently, his recommendations – like those of Bishop Staples – adopted the increasingly exclusionary and antagonistic stance towards the Irishry that, while not officially endorsed, was nevertheless taking hold on the Dublin Council.[107]

Cowley may have felt that the campaign for a general reformation was, however, on the wane, as a better part of the council appeared to lean more towards a particular reformation.[108] Evidently still hoping for a more comprehensive general reformation, he acknowledged the view held by some contemporaries that there was neither the will on the Dublin Council nor the fiscal means in London to follow through with any large-scale conquest. Accordingly, in 1537, he offered a toned-down version of those suggestions for reform made in earlier treatises, stating that his book represented 'in my moste symple mynde,' the best way forward, 'oonles the generall reformacion shulde followe immediately.'[109]

In spite of this, like many others putting their opinions forth around this time, Cowley stressed the strategic importance of those multitude of fortifications, castles, or 'piles' along the border of the Pale. The hope was that a chain of garrisons loyal to the crown might be built up, linking the Anglo-Irish and taking advantage of their united strength at a time when 'thIrishmen were never in suche feare to be clerely exiled.'[110]

While Cowley had earlier recommended granting leases to the main body of tenantry, in his latest composition he put it to the commissioners that owing to their present state of ruin and the lack of local inhabitation in their surrounds, such garrisons ought to be 'departed to suche as are marchers, men of warre, having good retynues, yelding the King convenyent reservacion of anuell

[107] This is described by Heffernan and his hypothesis that there existed a 'hawkish' faction that sought the immediate conquest of much of Leinster and the midlands. Heffernan, 'Reduction of Leinster', *passim*. See also McCorristine's view that reports on the lordship in the early 1530s represented 'a new and aggressive confidence among the Tudor officials in the Dublin Council.' McCorristine, *Revolt of Silken Thomas*, p. 47.
[108] See, for example, the Dublin council's 'Memorial for the winning of Leinster': *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 162, pp. 408-419.
[109] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 171, p. 452.
[110] Several piles in O'More's and O'Connor's countries – Leix and Offaly – as well as Westmeath, were to be taken and garrisoned. Men like the Butlers, Baron Delvin, and William Bermingham are singled out as men who might be up to the task of occupying these forts. Peter Talbot, and a gentleman of the Walshes, from south of Dublin, are named as men who might take up similar positions in O'Toole country, building forts as required. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 171, p. 446.

rent, and,' diverging somewhat from his previous recommendation, these were to 'have estate of inheritaunce therin,' as reward and recognition for having assumed the responsibility to defend their holdings.

Cowley appeared to support prevailing sentiments regarding a parliamentary general pardon for those who had been caught up, willingly or otherwise, in the Kildare rebellion. The innocent, for their part, should receive the thanks of the crown in the form of fee-farms, grants, and leases. Coyne and livery was to be mitigated somewhat by restrictions on the number of horses and horseboys employed by any one horseman.[111]

Cowley's preference for a general reformation, is apparent in his suggestions relating to lands well beyond the effective region of crown authority. While Ulster is paid little mind, with Cowley making sparse recommendation for the garrisoning of Carlingford, Strangford, and Greencastle,[112] in the midlands, O'Carroll is singled out as the primary supporter of O'Connor, and one who should be dealt with in short-order. In Munster, Cowley urged the crown to support James Fitzgerald as new Earl of Desmond,[113] but pointed out that peace with both contenders for the earldom would be even better, for it would 'infeble moche the Irishrie,' particularly the O'Briens and the McCarthys. Stability in the Desmond earldom would help bring peace to other unruly Anglo-Irish lords in Munster, notably Lords Fitzmaurice, Barry, Roche, the White Knight, and the Knight of the Valley.

Securing those regions beyond the Pale would contribute to the ability of the English to link their power together with the powerful marcher lords and earls, including Ossory and Desmond. This would be critical for Cowley's now faint hope that the crown might soon embark on a campaign of general reformation. He points out that, with some temporary placation of native Irish septs on the borders of the Pale, the maintenance of some of the armies there, the occupation of lands south to Carlow by Butler, and gentlemen of Kildare, 'the hole Englishrie may assemble in oon

[111] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 171, pp. 446-7.
[112] Some parts of the passage are missing. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 171, p. 447.
[113] This was James fitz John (styled fourteenth earl from 1536-1558). The other was James fitz Maurice (one of the disputed thirteenth earls (from 1534-41), alongside one John fitz Thomas (also thirteenth earl from 1534-36). *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 171, n1 and n2, p. 447; Moody, Martin and Byrne, *NHI: Maps, Genealogies, Lists*, vol. 9, p. 233.

power: and this thing may be interprised and achived, and with it a generall reformacion.' Thus joined, the Butlers would be able to more freely and completely subdue the Irish in Ormond with the assistance of one or both Desmond lords presently contesting the earldom. This would open up the midlands for 'the Kinges power to inhabite and buylde in Offally' and adjacent areas. And like the author of the 'State of Ireland', Cowley ambitiously pushed the object of his proposals still further to the west, incorporating the occupation of Roscommon and Athlone into his plans, for, he says, 'there is above 500 plough lande, longing to the Kinge, and thEnglishrye, in Westmyth, waste.' Baron Delvin, and the men of Westmeath, should invade and 'subdue the Kelleys and O'Melaghelyn,' enlisting the aid of the Burkes of Connacht. With this, the hostile Irishry would be pushed west to the far bank of the River Shannon, with none on 'this side the water of Shennyn unprosecuted, subduyd, and exiled.' Completion of an island-wide conquest, then, would require only 'a litle armye,' in addition to those soldiers the Palesmen could provide, which 'shall suffice generally to subdue the residue, and inhabite.'[114]

Nevertheless, Cowley spent much of the treatise focussing on those lands nearest the Pale. In addition to addressing the lands of the O'Tooles and O'Byrnes, he suggests that the Butlers 'undertake to buiylde and inhabite, in 5 or 6 places, upon the Mac Morrowes and Kevanaghes,' and the king 'likewise buylde and inhabite in Odrone and Mc Morrowes cuntrey.' A certain James McGerald, Baron Kilcullen, was to garrison Lea Castle in Leix, with the aid of the county of Kildare. Kenlis in Meath, once protected by the Plunketts, had lately been made waste by the O'Reillys, and ought to be turned over to Gerald Fleming, 'nowe the hardiest capitayn in all that quarter.' He was to help build and maintain possession of one of two forts to be built beyond Kenlis, in the lands adjoining the O'Reillys.[115]

In making these proposals, Cowley demonstrated a politic shrewdness when it came to the native Irish. To combat the perception that might arise amongst the local Irishry that what was being undertaken was a 'the begynnyng of a conquest,' he felt that they might, rather, 'be persuaded that the same is upon a title.'[116] The proposal raises the possibility that Cowley and perhaps

[114] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 171, pp. 451-2.
[115] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 171, pp. 450-1.
[116] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 171, p. 448.

others who leaned towards a general reformation held out a reasonable expectation that the native Irish might not be as averse to an expanded English lordship as is sometimes presumed.[117]

Like many other reform writers, Cowley invoked the language of the commonweal, mirroring similar comments made by the king, lamenting the plight of the 'pore Englishe erth tiller in the English pale,' who were being abused by local lords who 'takith suche a gredy lust of proficte, that they bring into the hart of the English pale Irishe tenantes,' so pushing the English tenants out.[118] The English Pale, he argued, unguarded at its borders, was also being corroded from within by private interest and the native Irish cultural contamination attendant on shifting demographics.

Because the new Irish tenants can neither 'speke thEnglishe tonge, ne were capp or bonet,' Cowley also trotted out the well-worn invocation of the 'Statutes of Kilkenny', seeking the 'extincting of amyties betwene the Englishrie and the Irishrie, and thencrease and contynuaunce of Englishe maner and habite.' Irish harpers, rhymers, bards, and chroniclers operating in the Pale, who extolled the vices of the Pale lords as though they were virtues, were to be expelled. Silk and saffron-coloured clothing were also to be outlawed. Cowley was not impractical, however: some customs, like the use of Irish weapons and fighting styles, would need to be continued until English ways could be adopted, presumably once the situation in the lordship was more stable. And until that time, coyne and livery, too, would have to continue in the marches, albeit in moderation, so it did not spill over the borders and into the Pale.[119]

Staples and others were wary and even hostile to notions of cooperation with the native Irish, and Cowley – in spite of his strategic concern for how the Irish perceived the English pursuit of sovereignty – was fundamentally no different in this respect. It was a point of intersection with more bellicose colleagues like William Brabazon, whose intentions are evident more by dint of

[117] This appears to be the great point of difference between advocates of a general reformation like Cowley and Bishop Staples and others like King Henry. All had made arguments for plenary English sovereignty in Ireland, but Henry – unlike the reform writers of Ireland – appears to have *maintained* that view, continuing to rest importance on the idea that any settlement in the lordship that rested on plenary English claims would have also to rest to some degree on the amity of native Irish chiefs. For commentary on nationalist interpretations of Irish history, see: Martin, 'Diarmait Mac Murchada and the Coming of the Anglo-Normans', *NHI (1169-1534)*, vol. 2, pp. 43-4.
[118] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 171, p. 449.
[119] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 171, pp. 449-50, and 452.

physical incursions upon the Irishry than by their expression in treatises or 'books'. Brabazon's military forays into Leinster and the midlands were generally supported by members of the Dublin Council, although earning only rebuke from the king.[120] But Brabazon's actions, and Cowley's and Staples' exclusionary notions, could only ever contribute towards a programme of particular reformation, serving to offer retrenchment rather than island-wide conquest. Similarly, while Cowley spoke often of a 'general reformation' that would encompass all Ireland, his inability to recognise that some realistic provision would have to be made to accommodate the native Irish prevented any real progress towards that goal. The Irishry could not simply be wished away; they were, in fact, the very key to the general reformation that had been described in the 1515 'State of Ireland', and was sought for by Henry. It was also an idea that the head commissioner, Anthony St Leger, would himself soon come to embrace, supplying the crown with the legal mechanism – the Act for Kingly title – which would bring it within reach.

Cowley's plan for a general reformation would involve frequent direct confrontation with the native Irish. It could not be reconciled with either the need for fiscal restraint or – more importantly – with Henry's predilection for the principles of Renaissance humanism and the commonweal. Cowley's 'general reformation' was 'general' in name alone: its fundamental nature, built around vilifying and displacing the native Irish, rendered it tantamount to what others had come to term 'particular reformation', one emphasising separation, difference, and retrenchment in the Pale. By contrast, a programme of conciliation of the sort Henry pressed for in the early 1520s was a vital accompaniment to a true programme of general reformation; it was the *sine qua non* of any effective reformation programme that hoped to proclaim and actualise plenary English title over Ireland.

[120] Henry wrote that as the Vice-Treasurer, and in light of his proclivity to join the other officials in the field, Brabazon was to 'forbere going in person to our warres.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 123, p. 313; *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 165, p. 424.

'The Justice Luttrell's Booke'[121]

Thomas Luttrell was Chief Justice of the Common Bench from 1534 to 1554, and a prominent landowner hailing from a well-established family in the Pale.[122] His book or treatise begins with its eyes cast firmly upon the past, searching for a solution to the ancient problem of coyne and livery, 'the moste cause of the decaye of Kynges trewe obbeysaunce of the land, and the comyn weale of the same.'[123] It was, he asserts, an abuse on the rise, and it was towards this threat that Luttrell felt that efforts of reform needed to be addressed.

Like other reform writers, Luttrell also briefly invokes the language of the commonweal, accusing local lords and gentlemen of a feigned obedience subordinate to 'ther owne sensuall appetites,' or private weal. These men had been resident in outlying regions like Munster, Connacht, and Ulster; they were also the first to levy coyne and livery. But now, even in the shires of the Pale, the practice had spread. Lands made waste by extortion bred more waste, as greedy captains and lords confiscated land that could not support the charges its tenants bore. While coyne and livery had been levied by earlier deputies, more recently in the Pale the practice had been used increasingly intensively in their respective official stations as deputy by Baron Delvin, Piers Butler, and Kildare.[124]

If coyne and livery was the worst of the abuses contributing to the decay of Ireland, it was the marchers who were most responsible for its application. By levying coyne they had initiated a movement of husbandmen from County Kildare into the Pale, who sought relief from those impositions. Yearly, Luttrell claims, more had followed, 'so that nowe the said countye [had] not one husbondman, in effect, that spekeith Englyshe, ne useith any English sort ne maner.' Even the husbandmen of the Pale were fleeing to England, creating a vacuum of tenancies that could only be filled by the native Irish.[125] Coyne and livery needed to be abolished, but Luttrell, like

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[121] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 184, pp. 502-10.
[122] He was also the brother-in-law of Gerald Aylmer, another Justice of the Common Bench. Ball, *The Judges in Ireland, 1221-1921*, pp. 122, 199-200.
[123] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 184, p. 502.
[124] It was also being levied by prominent Anglo-Irish families like the Walshes and the Baron of Slane's kinsmen, which extortions could reach as high as 13s. 4d. quarterly. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 184, pp. 502, 504.
[125] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 181, pp. 504-5.

Cowley, recognised that it could not be done outright. In the meantime, it required moderation so 'that it shalle not be so excessyvely takyn, as yt is.'[126]

Coyne and livery had fostered conditions that saw to the mixing of English with Irish, and with the increase in Irish tenants came attendant conditions favouring the further adoption of Irish customs and manners. To combat this, Luttrell listed familiar prohibitions that had been set forth in the 'Statutes Kilkenny': householders in the Pale were to wear English cloaks and caps[127] and order their houses in the English fashion, gradually enforcing it throughout the Pale, and amongst the servants of householders as well; children whose fathers could not, were to learn the English language under the tuition of a parish curate; bowyers and fletchers were to be sent out of England to teach the children to shoot; bards were to be prevented from coming into the Pale to 'provokeith the peoplle to an Iryshe order;' and it was to be ensured that a recent act barring tenants from departing into England was to be duly observed.[128]

Other exactions were being levied on tenants who sought to sell livestock and other foodstuffs but had failed first to offer them at cut-rates to the local lord. A similar fine was made against those who sought recourse to the common law at all, forcing them to embrace the determinations of brehon law. Another abuse Luttrell criticised had to do with the number of attendants permitted a single horseman. During hostings, a horseman could levy coyne and livery on the land for up to three horses, three horseboys, and an additional attendant. Luttrell, finding common ground with Cowley, thought it a good idea to restrict these to two horses and just one horseboy. And like Alen, he marvelled that the cumulative effect of these extortions was that 'bothe gentillmen freholders and Englyshe fermors…sell ther freholdes…and go to Ingland.' Those that remain, he laments, 'use themselfes bothe in habyt, speche, and maner, after the Iryshe sort and fassion.'[129]

For the key to controlling these abuses, Luttrell, again like Alen, advocated for increased participation in the administration by newly assigned local officials. Four gentlemen, or 'cessors',

[126] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 181, p. 506.
[127] The latter evidently to be imported from England owing to a local dearth in the production of caps.
[128] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 181, pp. 508-9.
[129] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 181, pp. 505-6.

from each barony were to be appointed to oversee the royal impositions required for the feeding of soldiers and the movement of armies when a hosting was called. Hitherto, he says, those appointed by and solely responsible to the deputy, had been seeking to bolster their own profit at the expense of the local inhabitants. For even more control over how the cess was to be taken, constables should be appointed at the parish level to ensure that it was taken fairly. Overseeing all of this would be a deputy of English extraction, who would be constitutionally averse to the taking of coyne and livery, whereas Anglo-Irish governors like Delvin, Butler, and Kildare had levied it with relative abandon.[130]

As the author of the 'State of Ireland' and others had complained over the past decades, the difficulty poor commoners had in gaining royal justice in local courts was to be ameliorated by the appointment of 'one lerned man in the lawe' to sit with the sheriff and hear the cases of the poor and duly uphold their rights.[131] Other men whose freeholds commanded a yearly value of more than 40s were so sparse in many local communities that they were frequently chosen to attend inquests in Dublin, which 'causyth many freholders to spende all that they have, and to selle ther freholdes.'[132] Luttrell therefore recommended lowering the threshold to 20s or an equal amount in goods, and trying the case locally. Finally, for any recommendations to be made into law – indeed, for such a law to matter – it needed to be properly recorded and put into safekeeping. This had long been a problem and had featured in several complaints over the years, but Luttrell appears to have been the first to suggest that the 'Statutes were set in prynt'.[133]

Strategically, like Alen and others before him,[134] Luttrell favoured a focussed campaign against the nearest threats to the Pale: the O'Tooles, O'Byrnes, and Kavanaghs, running in a line through the Wicklow mountains south of Dublin. They kept the strength of the Englishry in Dublin and

[130] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 181, p. 507.
[131] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 181, p. 509.
[132] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 181, p. 509.
[133] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 181, pp. 509-10.
[134] Heffernan associates the following men with the lobby for the reduction of Leinster: Leonard Grey, William, Brabazon, John Alen, Gerald Aylmer, Thomas Luttrell, Edward Staples, the two Cowleys, and Piers Butler. Their plan, he says, was likely based on the recensions of Patrick Finglas' 'A breviat of the conquest of Ireland', as that treatise advised the consolidation of a chain of garrisons surrounding the Pale, incorporating forts in Carlow, Wexford, and Wicklow. Heffernan, 'Reduction of Leinster', p. 6.

Wexford and Kilkenny separated, but if they were subdued, the Pale and the obedient shires to the south would be linked, augmenting royal authority, increasing revenues, and eliminating many exactions.[135]

Luttrell's recommendations also employed the language of the commonweal, linking the private interest of the great lords and gentlemen of the marches to the corrupting influence of native Irish customs and their proximity to a perceived tyranny, particularly those customs legitimising the myriad traditional exactions taken by the Irish chiefs. In line with other recommendations that would become common in the proposals for plantation in the late-century, Luttrell advocated a partial militarisation of the tenantry so that 'the said Englyshe inhabytauntes shulde provide of themselfes,' in sustenance and in defence, and instead of suffering the exactions of soldiers of dubious loyalties.[136]

Leonard Grey's 'The Lorde Deputes Boke'[137]

Lord Deputy Leonard Grey had little to offer the commissioners by way of remedial suggestions. His short treatise has more in common with the literature of complaint of the previous century, offering a simple list of wrongs done to the Palesmen. It contrasts significantly with the more nuanced opinions expressed by Alen, Staples, Cowley, and, to a lesser degree, Luttrell. While Alen pointed to the culpability of the great lords and deputies of the lordship in failing to curb abuses and extortion, Staples directed the commissioners to address the issue of short tenancies, and Cowley signalled the importance of the chain of forts along the march borders, Grey focussed solely on the shortcomings of the marchers.

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[135] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 181, pp. 505-6.

[136] Soldier-settlers, for example, were crucial to Thomas Smith's 1571 proposal for an English settlement at Strangford Lough in the Ards. In his suit, Smith portrays settlers as soldiers, to be ready for their own defence (to reduce strain on royal coffers) behind castles, walls, and the geographic protection provided by Strangford Lough. Here, the settler-soldiers could become land-owning 'gentlemen' set above the local native Irish 'churls', who were expected to rejoice in their liberation from the exactions of their chiefs, then to be set 'to work in estates carved out by the English adventurers.' Hiram Morgan, 'The Colonial Venture of Sir Thomas Smith in Ulster, 1571–1575', *The Historical Journal*, 28, 2 (1985), pp. 261-78, pp. 274-5; Thomas Smith, *A Letter sent by I.B. Gentleman (1572)* (London, 1572). For further discussion, and the view that Smith was initially inclined to the inclusion of the Irish in his enterprise, see: Quinn, 'Sir Thomas Smith (1513-1577) and the Beginnings of English Colonial Theory', pp. 553-4, and *passim*.

[137] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 181, pp. 477-80.

Grey's list is significant in that it paints a vivid, if simplistic, picture of one official's view of the problems of lordship. According to him, the paramount problem the commissioners had to deal with was one of the divided loyalties of the marchers. They had, he said, over the years become too enmeshed – in customs, law, and relations – with the native Irish.

Marriage and fosterage with the Irishry had placed them in the position of having to permit Irish raiding parties across the Pale border in order to remain loyal to their new kin. In the Pale, 'whensoever suche spoyle or robberye is made, it is upon a poore freholder, or upon some poore gentyllmanes landes.'[138] March captains refused to punish their servants and sons who were responsible for taking coyne and livery; and in fact, if a march captain sought to extend his influence, he need only unleash his servants and sons, or his Irish kin, upon 'any poore mannes freholdes that is on the marche bordres…and then the pore freholder muste of fyne force be dryven to selle the said freholde to the lord, orelles to have no profyt therof.'[139]

The royal jurisdiction was being gradually usurped. Fines, penalties for trespass, and even duties on the selling of livestock, were being determined according to native Irish brehon law rather than English common law. Myriad exactions were continuing to be levied, including coyne and livery. But coyne and livery was also being levied inside the Pale, for 'the saide marche lordes and gentyllmen, if they have any landes in thEnglyshe pale nighe Dublin, when they come thyder for any cause, they sette ther horsseis to coyne and lyverye upon ther tenauntes.'

The reality was, Grey declared, that the marchers lived two entirely separate lives. When called to Dublin for parliament, or to attend for some other official reason, they affected to be English. Yet in in the marches they 'use Iryshe apparell, and the Iryshe tounge, and all ther servauntes lykewyse.' The divided lives of Anglo-Irish marchers had long presented a dilemma to the crown and its Dublin administration. In the previous century, even as one marcher lord, Henry Walshe, 'was given authority to summon one man from every house in the baronies of Newcastle Lyons and Rathdown to appear with a spade so that they might dig ditches and dykes encircling their

[138] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 181, p. 477.
[139] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 181, p. 478.

lands,' such measures 'did little to address the reality of a substantial Gaelic population resident "behind" the march's defences.'[140]

In the sixteenth century, and despite any mitigating effect the Kildare hegemony might have had on the power of the marcher lords, in the meantime,[141] according to Grey, they continued to initiate war and peace with their neighbours, without consulting the deputy. In the Irish manner, they took fees for crimes committed in which they were complicit although not expressly guilty, avoiding prison or corporal punishment by conspiring with the transgressor to pay his fee and have him set free again to do the lord's bidding. Other lords simply avoided residing in or defending their lands in the marches, preferring the safety of their holdings in the Pale. Many of them failed to supply the requisite troops during hostings, particularly if the hosting might lead to a clash with their native Irish allies or kin.

Finally, on defensive matters touched on by Cowley and others, Grey acknowledged the significance of border forts, which currently 'be inhabyt eyther wyth men of Iryshe nation, orelles wyth suche as be combynde by gosshipred or fostering wyth Iryshemen nyghe to ther borders.' These forts, unable to be used for the defence of the Pale, were instead being employed as staging-points for Irish raids, the lords taking their cut of 'suche botyes as comeyth by them towardes the Iryshery.'[142] In the previous century it had been necessary for the administration, to meet '[f]rontier conditions, in the absence of a standing army, [with] the retention of armed bands, both for security and law enforcement.' In the context of a post-Kildare lordship, when interest in reform was perhaps higher than it had ever been, Grey and many others viewed the many border forts around the Pale as key to a newfound security. They had proven themselves indispensable when built, inhabited, and employed by the seventh and eighth earls of Kildare in

[140] Christopher Maginn, 'English Marcher Lineages in South Dublin in the Late Middle Ages', *Irish Historical Studies*, 34, 134 (2004), pp. 113-136, p. 129.
[141] Maginn contends that the push of 'the marcher lineages towards independent and rather unpredictable actions often interpreted as "gaelicisation"…[was] later reversed in the Tudor period when the earls of Kildare succeeded in stemming the tide of Gaelic raids from the mountains and quietly reintroduced "order" to the Dublin marches.' Maginn, 'English Marcher Lineages', p. 113.
[142] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 181, pp. 479-80.

the late fifteenth century, and under a strong deputy there was little reason to suppose they would not recapitulate their worth.[143]

But defence from outside dangers was not the only fear. Aspersions of oppression and usurpation are launched at the 'greate captaynes of this countrey…[who] covet ther owne promotions, lucre, and profyt.' Briefly invoking the language of the commonweal, Grey concluded that their behaviour, so contrary to the king's 'gracyous honour and profyt, or the comyn welthe of his subjectes,' owed primarily to their temperamental proximity to the native Irish. This encouraged a disposition entirely at odds with 'His Graceis honor or comyn welthe here.'[144]

Grey's leveraging of commonwealth terminology in service of further criticisms against the marcher lords and captains emphasise the source of what he saw as the greatest threat – that liminal region of the Pale where culture and administration had been hybridised with the native Irish customs and practice. But his was a perception that stood in significant contrast to most others on the Dublin council who had composed 'books' for the king's commission. These latter employed the language of the commonweal to target magnate hegemony in particular, continuing a campaign that had begun at least as early as 1515. But it seems that Grey and the other authors of the books addressed to the commission may have used commonwealth terminology more cynically than the author and compilers of the 'State of Ireland'. Indeed, it may simply have been that in so doing they hoped their more practical opinions and recommendations might more amenably reach the king's ear and find their way into royal policy.

Conclusion

The later years of the 1530s remained a time of active lobbying on both sides of the Irish Sea with calls for reform reaching their zenith at the time of St Leger's 1537-8 commission. Contemporary treatises and correspondence provide a record of a discourse whose interlocutors often proposed radical, polarising solutions to the problem of Ireland. At the same time, they employed the language of humanism and the commonweal – even if only superficially – to bolster their

[143] Maginn, 'English Marcher Lineages', pp. 129-30, 132.
[144] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 181, p. 480.

arguments in royal ears well-attuned to those Renaissance ideas. But it was a discourse at odds with itself, and whose arguments for increasing militarism in Ireland continued to be rejected by Henry.

In February of 1537, the names subscribed on each of the 'books' to the commissioners – except Cowley's – are also found on a letter to Henry and his council in London. In the 'Memorial for the winning of Leinster', their purpose was to respond to earlier accusations of complacency by Cromwell by producing a statement whose primary purpose was to set forth 'whate honorable or profectable interprise we shulde thinke mete to be advaunced this yere, for the reformacion of this your lande.' Just as in the 'books', they agreed that 'Your Highnes, ne your posteritie, cannat be assured of this lande without new consumpcion of tresar ever within a few yeres, onles ye reduce Leynster to your obedience…wherein McMorgho and his kynsmen, with the Byrnes and Tolles, do enhabite.' Heffernan points out that '[n]o clearer indication can be given of the collective lobbying for the reduction of Leinster by a majority of senior ministers than this document.'[145] Indeed, the recommendations in the document correspond very closely with those set forth in their subsequent 'books' to St Leger and his fellow commissioners.

But the 'Memorial for the winning of Leinster' is distinct from the books to the commissioners in two important respects: first, the complete absence of any condescension to Henry's humanistic pretentions, and second, the greater degree of exclusion demonstrated towards the native Irish. The promises and assurances of the native Irish, the council agreed, were hollow, wherein 'we esteme no securite…for in theire constance and fidelite is so lytle assurance.' The best thing to do, they concluded, was, 'to exile theym, wherby all thole countrie shalbe made vacante and waste,' and re-settle English or Anglo-Irishmen in their stead.[146]

[145] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 161, p. 408. Their 'book' follows in the next letter, entitled 'A Memoriall, or a note for the wynnyng of Leynster': *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 162, pp. 409-19. Heffernan, 'Reduction of Leinster', p. 9.

[146] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 162, p. 412. Bradshaw notes Cromwell's and Henry's silence on the matter of the 'crown's relationship with the Irishry,' pointing out that '[l]ike the *Ordinances for Ireland* in 1534, the "Instructions to the Commissioners" in 1537 provide an elaborate blueprint for the organisation of the colony but have little to say about the Irishry.' Bradshaw, *Constitutional Revolution*, p. 129.

The 'Memorial for the winning of Leinster' was explicit in its programme for a particular reformation. If they could not even take a part of Ireland, they declared, 'let us never covet to thole; if we be not able to inhabit this, we be moche lees able to inhabite tholl.'[147] Ancient title was seen to be overridden by contemporary reality, wherein English enforcement of title had only ever been made sporadically, permitting it to erode back into the hands of the native Irish. In the present, the best that could be done was to chip away at what had been lost, recovering it piecemeal, and effectively declaring new title on the basis of a series of fresh regional conquests beginning in Leinster. Indeed, as Heffernan points out, the roots of colonial militarism in Ireland are found in the proposals for particular reformation favoured by most on the Dublin council: a particular or regional conquest that would consolidate English forces throughout south Leinster and Munster. Although identical arguments and suggestions were put forward in subsequent books by the same authors, it is noteworthy that the language used was moderated and communicated using humanist terminology – particularly references to the 'comyn wealthe',[148] 'tyranny' and closely associated expressions,[149] as well as frequent condemnation of the 'private

[147] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 162, p. 417.
[148] *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 182, p. 484.
[149] Most notably expounded in Alen's book to the 1537 commissioners, he describes Ireland as being 'in severall monarcheis,' but reserves much of his ire for the king's governor in Ireland who, if he were 'of those qualyties that his rome requyreyth, all the comen weale shalle prosper.' But, Alen says, he is quite the contrary, for in Ireland 'the greate mysordre hathe byn in the heddes,' the current deputy, Lord Grey, even going so far as to violate the very laws he himself laid down. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, pp. 487-8. Piers Butler, also, for example, refers to Kildare's acquisition of lands by means 'of the sworde.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 59, p. 154. Proclivities to tyrannical behaviour were not the sole province of powerful English or Anglo-Irish: One of Cromwell's agents, Steven Ap Parry, describes the intransigence of McCarthy Reigh, who declared that he had right to that which 'he hathe won with hys sworde.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 107, p. 284. Another agent, Thomas Alen, in a letter to Cromwell, more plainly illustrates the link between the sort of ill-gotten power and coercive activities regarded as characteristic of tyrants and, in the sixteenth century more specifically, were associated with native Irish and rebel English 'savagery'. He says the latter will 'not [surrender] nothing without the power of the swerde, as the nature of all Irishmen semblablie is to doo.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 139, p. 346. See also, Grey's book: *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 181, p. 478. Consider, too, the initial contention in the 1515 'State of Ireland' that many native Irish and English of Ireland 'lyveyth onely by the swerde.' *'State of Ireland', SP*, vol. 2, 3, Cap. 1, pp. 1, 5, 6, 8, 14, 16. Bringing into further relief the tyranny of those who wield the 'sword' or authority without royal or legal consent, the compiler contrasts their illegitimacy and abuse of power by noting that 'the swerde of his [the king's] comen folke…is so lytill settby…and so muche trodde under fote.' *'State of Ireland', SP*, vol. 2, 3, Cap. 1, p. 18.

weal'[150] – perhaps in an attempt to make the practical approach of particular reformation more ideologically palatable to the king.

But they were too late to gain any traction in the mind of Henry, himself by that time committed to a general reformation based on a claim to the entire island. For him, plenary English title over the whole of Ireland lay in the development of policy that recognised the importance of the commonweal and the idea that an Irish polity existing under English rule must ultimately be one constituted of the nobility, gentry, and commons on both sides of the Irish and Anglo-Irish ethnic divide. In this respect too, Henry would also have recognised the importance of having the momentous religious and temporal reform bills of the early 1530s ratified in the Irish parliament, where, critically, the lords, gentlemen, and commons of the lordship might also have their say.

Finding none on the Dublin council who could offer the means to make good a plenary claim to Ireland, Henry found the key to its success in one of his commissioners, Anthony St Leger, who, like him, recognised that such a claim could only be advanced on the basis of cooperation between the English and Irish polities. St Leger was, for a time, able to turn Henry's sentiment, which had hitherto vaguely guided the direction of his liberal policy, into a practical tool of reform. The outcome of the 1537 commission was the programme of surrender and regrant initiated in the early 1540s under St Leger, and its attendant Act for Kingly Title. These were the means by which Henry's policy of conciliation were operationalised. Indeed, Heffernan observes that the Act for Kingly Title

> served two purposes. First, it proclaimed Henry's claim to sovereignty over all Ireland, buttressing the strength of the "surrender and regrant" agreements being negotiated between St Leger and the Gaelic lords. Second, it superseded the papal grant of the lordship of Ireland to Henry II, as enshrined in the bull *Laudabiliter* enunciated by Pope Adrian IV in

[150] Alen contrasts English desires for 'weal and quyete' with mistaken Irish notions that the English, in fact, covet their private goods, like cattle. Alen also expresses the importance, if war is to be made, that it must be made 'upon a juste goode grounde.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 183, pp. 491, 494. For his part, Luttrell criticises the 'private weal' by way of employing terms like 'sensuall appetites', which he uses to condemn both native Irish and rebel English. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 184, pp. 502, 504. See also Grey's closing passage in his book, which condemns 'the greate captaynes of this countrey…[who] rather covet ther owne promotions, lucre, and profyt, then they doo exteme ther duetyes to Godde and to the Kinges Magestye, or yet regarde his gracyous honour and profyt, or the comyn welthe of his subjectes.' *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 181, p. 480.

> 1155, thus re-legitimising the claims of the English crown to Ireland, which had been weakened following the split with Rome.[151]

It is important to recall, however, that both found their roots in the sorts of humanist ideas that sought the extirpation of tyranny rather than of the native Irish themselves; as well as notions of the commonweal, seeking to elevate the weal of the commons above that of private profit. Such ideas had been put forward by the Pandar and the 1515 compilers who amended his *Salus Populi*, or what came to be called, among more officious titles, the 'State of Ireland'. It is difficult to quantify the degree of influence that treatise had on Henry VIII, but it was obviously seminal in many respects insofar as it repeated long-standing concerns and offered old and new remedies for the lordship's problems as they stood in the early decades of the sixteenth century. Some of these were recapitulated in succeeding treatises and policy papers. But, perhaps most significantly, the 'State of Ireland' appears to have laid an ideological foundation for Henry VIII and his chief ministers that was in accord with evolving conceptions of a uniquely centralised Tudor state based on a commonweal whose formulation sought the inclusion of members traditionally regarded as barbarians, savages, and outsiders.[152]

[151] Heffernan, *Debating Tudor Policy*, p. 45.
[152] James Murray, *Enforcing the English Reformation in Ireland: Clerical Resistance and Political Conflict in the Diocese of Dublin, 1534-1590* (Cambridge, 2009), p. 127.

Conclusion

The annunciation of reform in the period 1515 to 1541 may seem at times to represent a glacial and sometimes scarcely perceptible dialogue between the English crown and its lordship. It is true that there is a scarcity of source material to draw upon, owing to official negligence and the failures of late-medieval record-keeping, as well as more recent archival catastrophes, such as that which befell the Four Courts in 1922. These provide some reason for the paucity of sources and may go some distance in explaining why the period has sometimes been overlooked by historians. This thesis has attempted to address that lacuna, offering detailed analyses of those elements of reform discourse surviving for the period, including formal treatises, shorter policy papers, brief memoranda, an array of reform-minded correspondence, and parliamentary records. In the context of this thesis, what is most meaningful is the evolution in the way desires for reform were communicated in the late fifteenth and early sixteenth centuries, across the historiographical medieval/early-modern divide; the content of the discourse itself; and the specific voices involved in that discourse, from king to earl to knight to gentryman.

What has been found is that most of the treatises and policy papers of the period advance similar overriding concerns about various forms of extortion, the adoption of native Irish culture, absentee landholders and officials, the historical negligence of the crown, and – primarily – the abuse of authority by the great magnates: the Earls of Ormond, Desmond, and Kildare. But the most interesting, perhaps surprising, and doubtlessly challenging observation made regarding the evidence is provided by the correspondence between the crown, the lordship's governor, and members of the Dublin council – and that is: the remarkable consistency of Henry VIII's approach to reform throughout the years of his reign.

While the grievances themselves and the crown's response to those issues remained surprisingly consistent, the method of their conveyance, the format of the texts, and the nature of the proposals put forth in the reform discourse demonstrably evolved over this period. The first significant change was a movement away from traditional modes of communicating grievances through parliamentary petitions resulting in treatises like those of Darcy and Finglas in 1515. These were based on what Bradshaw has characterised as a medieval template, or modes of

complaint marked for their brevity and lack of suggestions for remedy. The significance of these treatises is that their intended audience was the crown rather than the Dublin council. This followed and may have been a result of the introduction of Poynings' Law in the Irish parliament of 1494, which effectively severed traditional corridors for complaints. But just as important is the timing of the early treatises, which came in the wake of the succession of Henry VIII and subsequent death of the 'all-but-king' of Ireland, the 'Great' eighth Earl of Kildare.[1] Henry was to prove to be of an intellectual temperament markedly different from his father, and the ninth Earl of Kildare was to encounter significant difficulties in retaining the stranglehold on power in Ireland that his father had so dexterously managed.

The second significant change to reform discourse is evidenced in the 1515 'State of Ireland'. This pivotal treatise presented not just the usual array of issues surrounding governance; critically, it offered detailed remedies to persistent problems in the lordship. In contrast to the compositions of Darcy and Finglas, this was an exceptionally longer work, notable for frequent references to a mysterious, fifteenth-century writer known only as the 'Pandar'. While his identity remains unknown, he nevertheless wrote in a style redolent of numerous political poems known to have proliferated around the middle of the fifteenth century. The 'State of Ireland' expressed humanist concerns condemning the effects of tyranny in the lordship; it highlighted the self-interest of the great magnates and liberality of the high church; and it contrasted the desire for private gain with the ideal of a commonweal that was inclusive of rich and poor, but significantly too, inclusive of both English and Irish. If such a commonweal could be achieved, it concluded, it would redound to the wealth and glory of the king.

The 'State of Ireland' was important for not only being the first in this period to offer a novel, extended exposition on how to address the problems facing Ireland; it was also the only reform treatise relating to Ireland to have based many of its suggestions for remedy on the endorsement of fifteenth-century Renaissance humanist ideas, illustrating how those ideas continued to evolve across the medieval/early-modern divide in an intellectual context for which little similar evidence remains. The 1515 'State of Ireland' provides intriguing evidence that important

[1] This apt phrase is Curtis': Edmund Curtis, *A History of Ireland* (London, 1936), p. 146.

ideological notions influencing and influenced by intellectuals like Erasmus and More were not only moving across the English Channel, but also crossing the Irish Sea.

The Erasmian and Christian humanist milieu of northern Europe was also influencing a young Henry VIII. Importantly, in the context of this thesis, at approximately the time in which traditional lines of communication for complaints were being shut down, the treatises of the period found in the crown an audience receptive to the reformation of the lordship when they were presented to the king at Greenwich in 1515. There, the meeting to discuss matters of the lordship was attended by prominent members of the Dublin council, senior clergy, as well as the lordship's *de facto* governor, the ninth Earl of Kildare. It is there also that the king may have received and read the 'State of Ireland', regarded by historians as likely to have been submitted alongside the treatises of Darcy and Finglas.

The evolution of the nature of the proposals put forth in the reform discourse over this period was subtle and, moreover, ultimately dependent on events in the lordship, England, and on the continent. The 1515 'State of Ireland' brought into relief the possibility of two ideologically divergent approaches to reform: general reformation and particular reformation. The former was conceived by the compiler of the 'State of Ireland' as longer-term, inclusive, and broadly conciliatory. It was one that would be embraced by the crown and pressed time and again to its representatives in the lordship.

Particular reformation, preferred by Surrey and many other officials, was firmly practical and fundamentally militaristic.[2] It offered a short-term strategy more than a long-term solution,

[2] Notably, the term 'general reformation' was applied by a later, sixteenth-century observer to Henry's approach to Ireland *c*. 1516-7. 'Touching the revenues of Ireland, both ancient and present (nd)', BL Cotton MS Titus B XII, fos. 323r-324v, f. 324v; also discussed above, at Chapter 2, p. 95. And, of course, the sense of it was implied by the fifteenth-century Pandar and the later compilers of the 1515 'State of Ireland', as seen in Chapter 5. The concept of 'general reformation' and its descriptions of encompassing the entire island, are naturally suggestive of its polar opposite – another form of reformation that *did not* encompass the whole of Ireland. And that is the meaning which inheres in Surrey's description of one way of proceeding in Ireland suggested in his letter of 30 June 1521 to Henry VIII. *SP, Ire., Hen. VIII (1515-37)*, vol. 2, 3, Cap. 20, pp. 72-5; also discussed above, in Chapter 4 at p. 173. The first appearance of 'particular reformation' as a phrase appears to have been in the anonymous 'A discourse of the cause of the evell state of Ireland' (1524-8), where both terms – 'general' and 'particular' – are specifically employed by the author. 'A discourse of the cause', BL Lansdowne MS 159, f. 5v; discussed also in Chapter 5, pp. 201ff. For some further recent discussion, see also: Maginn and Ellis, *Tudor Discovery*, pp. 153-4.

seeking, as it did, to regain physical control of regions around the Pale; it was prevalent in much of the advice emanating from the lordship's officials throughout the period investigated. The particular approach lent itself to simplistic solutions to recurring problems like the myriad forms of extortion prevalent in the lordship, cultural admixture, and native Irish raids. Critically, it would prove attractive to officials keen to eventuate the removal of native Irish septs, first in south Leinster, and later, the midlands.

But particular forms of reformation, while attempting to expand English territory in Ireland beyond the Pale, did not lend themselves to broader claims to the whole of the island. The 'State of Ireland' demonstrated how plenary claims could be argued on the basis of nuanced conceptions of the commonweal. It was the sort of complex ideological foundation of a general reformation, promulgated in the 'State of Ireland', that appealed to Henry VIII. It would have likely also appealed to his chief ministers, Wolsey and Cromwell, whose policies of centralisation, from Calais to Wales to the northern borders with Scotland, dominate the period. Tellingly, however, their respective downfalls did not alter Henry's commitment to a general reformation. It was an approach based on and consistent with the humanist principles he had been reared on.

But Henry's commitment to a general reformation was difficult to operationalise, and advocates of particular reformation appear to have adapted their language to appeal to his ideological sensibilities, employing superficial humanistic terminology, attempting to persuade the king to support, for example, the reduction of native Irish septs south of Dublin, or in the midlands, who posed a direct threat to the holdings of the Palesmen.

One unusual outlier, however, is Robert Cowley, who advocated a general reformation, but one that was justified by ancient claims based solely on conquest. For Cowley, in the present, humanist sensibilities had no place: the king had every right to the whole of Ireland, and no further responsibility to argue the matter of claim; all that was necessary was to take what was his own, without acknowledgement of native Irish claims to title or notions of collective ownership of the land. His conception, while geared towards a general reformation, had more in

common with those advocating particular reformation insofar as the primary means of achieving it was through militarisation and colonisation.[3]

Regardless of approaches to reform, however, early discourse revolved around the reality that little could be achieved unless a change in the overall governance of Ireland could be effected. Accordingly, the energies of the king and his chief ministers through the 1520s and early 30s were spent on attempting to wean the lordship of its reliance on governing through the magnates, beginning in 1519 by initiating experimentation with new forms of governance. While the tenures of the Earl of Surrey, Piers Butler, Baron Delvin, a 'secret council', and William Skeffington were short, they nevertheless demonstrated a steadfast commitment on the part of the crown to gradually dislodge reliance on Kildare rule. Such experiments were invariably punctuated by periods where Kildare or one of his kinsmen resumed governorship, rendering reformist-minded Palesmen vulnerable to Geraldine retribution. Yet complaints against the abuses of the ninth Earl of Kildare, particularly as they impinged on the lands of the lesser nobles and gentlemen of the Pale, usually in the form of coyne and livery, became increasingly prominent in the reform treatises of the period as the crown's experimentation progressed into the 1530s.

At the same time, Kildare's ire towards the crown's exertion of its sovereignty in Ireland manifested in bouts of duplicity. The angry earl leveraged his affinities or connections to native Irish septs loyal to him to harry the crown and its supporters. Finally, and perhaps unexpectedly, prevailing circumstances combined with the hot-temper of the ninth Earl of Kildare's son leading to open revolt in 1534, opening up an opportunity for the crown to enact reform in the lordship in both temporal and spiritual spheres at time when equally momentous change was being undertaken under the auspices of Cromwell in England. In Ireland, the structure of the Roman church could be brought down alongside the more imposing edifice of magnate authority, hitherto a necessary but unwelcome relic of the sort of 'overmighty subject' known in England in the previous century.

[3] Cowley's submission to the 1537 commission, discussed in Chapter 8, however, suggests that he too was realigning himself with advocates of particular reformation.

Part of the problem of seeking an alternative form of governance was the loss of protection that had been afforded the Palesmen and marchers by Kildare and his affinities. For many on the Dublin council, in the absence of a magnate-governor, there remained the daunting problem of the native Irish, whose incursions into Dublin in 1533 would have been fresh in their minds. But their unpredictable nature had also contributed to the ongoing isolation experienced by many Anglo-Irish settlements across the island; they disrupted lines communication and safe passage to and from the Pale; and their involvement in unsanctioned trade siphoned the profits of royal markets. By the time the Kildare revolt was put down, for many Palesmen, that old enemy of good governance – the magnates – was replaced more exclusively by a new one – the native Irish. Accordingly, calls for their extirpation gained in pitch through the 1530s.

Many such calls were fuelled by a revival of the divisive Giraldian caricature of the native Irish as 'savages'. Gerald of Wales' views on Ireland and the Irish were well-known and becoming more and more prevalent in the rhetoric of reformers like Robert Cowley in the 1530s and many others in the decades to come. Indeed, opposed to the king's hopes for a general reformation based on the humanist ideal were those who advocated for either a wholly divergent kind of general reformation, like Cowley's; or a particular one, but, significantly, one where both were based on militarism, colonialism, and the extirpation of some native Irish septs and their culture.

One of the most poignant observations made from a detailed assessment of the treatises and correspondence between 1515 and 1541 has to do with the question: what prevented the 'hawkish' or more aggressive officials of the lordship from imposing their own particular programme of reformation? The short answer appears to be: Henry VIII. Throughout his reign he was steadfast in his adherence to the idea of a general reformation based on an evolving idea of the commonweal, inherited from the previous century, that favoured conciliation and negotiation with the native Irish more than it did their extirpation. His was a position that stood in stark contrast to insular attitudes prevalent in the fourteenth century, around the time of the Statutes of Kilkenny, as well as those aggressive, militaristic attitudes prevalent just a few decades after his death.

What the reformers of the Pale failed to come to terms with, and what Henry and later St Leger attempted to construct in the 1540s, was that English claims to Ireland, English sovereignty in Ireland, and effective English government in Ireland, were dependent on the way in which reform itself was conceptualised. It represented an inversion of Bradshaw's conclusions relating to the nature of reform in the lordship. He posited that the significance of 'the introduction of the commonwealth concept…was that it enabled a new conception of the problem of reform to develop within Anglo-Irish reforming circles.' The evidence of the reform treatises and correspondence, however, show that the impetus for that change originated with the crown, of which St Leger's commission, with its generally conciliatory repercussions, was itself a product. In spite of Bradshaw's misattribution of humanist impetus, one fundamental element of his conclusions stands, for

> [w]hen the full implications of the commonwealth were accepted, the goal of reform could no longer be set merely at the restoration of the colony. In the contemporary terminology, the particular reformation could no longer be given precedence over the general one. Reform must be concerned with providing good government, prosperity and peace for the community of the island as a whole.[4]

In short, a settlement based on prevailing humanist principles and ideas of the commonweal demanded a general reformation, embracing both English and Irish. By necessity, it obviated the increasingly strident arguments made by members of the Dublin council for a fundamentally different, targeted, localised kind of reform based on militarism and colonialism.

The treatises of the 1530s, however, suggest that most Palesmen and officials in the lordship endorsed a particular reformation.[5] The political inertia driving it was at loggerheads with the ideological underpinnings that supplied the impetus of the crown's push for a general reformation. Countervailing pressures from the Dublin council would ultimately derail the crown's progress towards the sort of conciliatory programme championed by Henry and St Leger. The attractions of particular reformation likely suited the acquisitiveness of the 'New English',

[4] Bradshaw, *Constitutional Revolution*, p. 54.
[5] White, 'Reign of Edward VI in Ireland', p. 198.

those officials recently come over from England who were seeking their own wealth and advancement, nurturing faction on the council.[6] Their pursuit of profit, fuelled by monastic dissolution and land seizures in the wake of the Kildare revolt – so contrary to the high-minded ideas expressed in the 'State of Ireland' and embraced by Henry – permanently marred relations with the native Irish.

As Heffernan has observed, the 'hawkish' proposals of officials like William Brabazon, Leonard Grey, Gerald Aylmer, Thomas Luttrell, and Robert Cowley, gained momentum in the substratum of reform discourse in the 1530s and 40s.[7] This was happening even while St Leger and his supporters were seeking to advance a generally conciliatory position or general reformation commensurate with Henry's humanist pretensions, spurning, as far as was possible, direct confrontation with the native Irish and, indeed, seeking ways to incorporate them into a single polity under the English crown.[8]

Heffernan has shed much needed light on matters relating to the reform discourse of the sixteenth century, particularly in the 1530s and beyond. Unlike many, he has also acknowledged the deep historical roots of the 1515 'State of Ireland', offering a nod to its complexity. It has been attempted in this thesis to offer a more thorough assessment of the period preceding Heffernan's focus, as well as to present a more detailed investigation of the 1515 'State of Ireland'. Heffernan has recently attempted to revise the generally accepted conciliatory disposition of St Leger, elaborating on the work of Brady and Maginn. Brady, he relates, pointed out that St Leger 'was forced to rely on the corrupt distribution of monastic property in Ireland to build consensus for his policies,' while Maginn, he continues, 'characterised St Leger as neither

[6] Usually at the expense of the crown. White, 'Reign of Edward VI in Ireland', p. 209.
[7] Heffernan, 'Reduction of Leinster', pp. 2-3, 6.
[8] But *cf*. Maginn's 'Surrender and Regrant', pp. 961-2. Along with Ellis, he is critical of Bradshaw's broad brush-strokes, endorsing W.F.T. Butler's concept of a discrete programme of 'surrender and regrant', imputing a degree of organisation they contend ignored 'complicated regional diversity.' As Maginn observes, Bradshaw's analysis in his *Constitutional Revolution* relied heavily on the *State Papers* and 'high political and ideological developments in Dublin and London.' The nature of the sources reflective of the reform discourse of the early sixteenth century necessitate a similar focus here, but a more sustained examination of the reform treatises and correspondence from the period also reveals important nuances that help address some of the 'personal contingencies' Maginn criticised Bradshaw for omitting. See also, Ellis' review of Bradshaw's *Constitutional Revolution*: 'Review of Brendan Bradshaw's "Irish Constitutional Revolution of the Sixteenth Century"', *Irish Historical Studies*, 22, 85 (1980), pp. 78-81. Ellis is more critical of Bradshaw's omission of 'transcripts of administrative rolls and records.' (p. 78).

a shrewd manipulator nor a political idealist, but rather as a pragmatist.' Heffernan concludes that 'the 1530s and 1540s were dominated by sabre-rattling by a majority of senior officials in Ireland.'[9]

Heffernan's assessment of St Leger bears some merit, insofar as there is occasional evidence to suggest that St Leger was by no means an idealist, and at times wrote of his frustration at prevailing circumstances in Ireland. However, his observation that St Leger favoured 'some limited policy of conquest in Leinster in the late 1530s' also recognises that his disposition changed once he became deputy in 1540, after which he continued to experiment with the formulation of indentures with the native Irish, a tactic that the previous deputy had employed. Just as Heffernan reduces Henry's disposition towards Ireland to one of fiscal conservatism, so too does he attribute the same motive to St Leger.[10]

While pecuniary motives cannot entirely be set aside, to endorse them as the fundamental driving force behind English policy towards the lordship is to obviate the particular significance of ideological currents prevalent in the reform discourse between London and Dublin. It is contested in this thesis that a brand of English humanism and related ideas of the commonweal, readily found in the text of the 1515 'State of Ireland', found favour in the receptive mind of a young Henry VIII,[11] and came to bear both on crown policy towards Ireland, but also manifested

[9] Heffernan, *Debating Tudor Policy*, p. 49.
[10] Heffernan, *Debating Tudor Policy*, pp. 49-50.
[11] Humanist ideals appear to have moved him no less even in the final years of his life. *Hall's Chronicle* records testimony of the king's final speech to parliament on 24 December 1545. There he invoked the teaching of all the so-called "mirrors for princes" he must have been subject to in the course of his life, humbly accepting that he had failed to live up to them. There he also warned that 'sithence I find suche kyndenes, on your part towarde me, I can not chose, but loue and fauvor you, affirmyng that no prince in the world, more fauoreth his subiectes, then I do you, nor no subiectes or commons more, loue and obaye, their souereigne lord, then I perceiue you do me, for whose defence my treasure shal not be hidden, nor yf necessitye requyre my persone shall not bee vnaduentured: yet although I with you, and you with me, be in this perfect loue and concord, this frendly amity can not continue, except bothe you my lordes temporal, and you my lordes spiritual, and you my louyng subiectes, studie and take paine to amend one thing, which surely is amisse…that charity and concord is not emongest you, but discord and dissencion, beareth rule in euervy place.' While the chronicler's memory of the speech must be judged on its own merits, it is worth noting the manifest expression of Henry's sense of the importance of the mutual obligations owed by each member of the commonweal and the dangers posed when the relationship between the members was out of 'concord'. Although doubtless a common humanist refrain, it was also, notably, the same warning offered by the fifteenth-century Pandar and expanded upon in the 1515 'State of Ireland'. *Hall's Chronicle* (London, 1809), 'Henry VIII', p. 364. Many thanks again to Michael Bennett for bringing this remarkable speech to my attention.

in a mimesis employed by some reform-minded writers on the other side of the Irish Sea in an attempt to persuade Henry to their way of thinking. Their failure to do so during his life, and their success only after his death, offers a potent real-world testament to the significance of humanist ideals as they came to bear on reform and reform discourse in the early sixteenth century.

If St Leger's initial recall in 1546 to answer complaints arising from factional activity derailed conciliatory reform, it was rendered a permanent relic upon the death of Henry VIII the following year. St Leger's final dismissal came the next year in the wake a yet another, even more intensive campaign to deprive him of the deputyship.[12] The subsequent appointment of soldier-deputies, Edward Bellingham and James Croft, who held office for the majority of the period between 1548 and 1552, marked the end of a long, peculiar phase of Henrician reform in the lordship, to be followed by provisions under Mary I for the planning and establishment of plantations in Leix and Offaly.[13] With Henry's passing, the English imperialist template, imposed with devastating effect in Ireland in the late decades of the sixteenth century, condensed into the fatal monolith historiographically more readily associated with New World colonialism.

[12] William Brabazon, in particular, was very effective in sowing dissent behind the scenes of St Leger's deputyship, making overtures to Bellingham for the 'abandonment of St. Leger's conciliatory engagement with the Gaelic polity in favour of the erection of defensive works around the Pale and the resumption of a strategy…which sought to make the extension of Tudor government in southern Leinster a priority.' He also submitted to Bellingham a list of 140 allegations made against St Leger, which Bellingham presented to the council in London. These appear to have been effective, resulting in St Leger's recall in January 1548. Christopher Maginn, 'A Window on Mid-Tudor Ireland: The "Matters" Against Lord Deputy St. Leger, 1547-8', *Historical Research*, 78, 202 (2005), pp. 465-82, pp. 467-8.
[13] Ellis, *Tudor Ireland*, pp. 231-2. But *cf*. Brady's emphasis on continuity through the mid-century: Brady, *Chief Governors*, pp. 48-52, 72.

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